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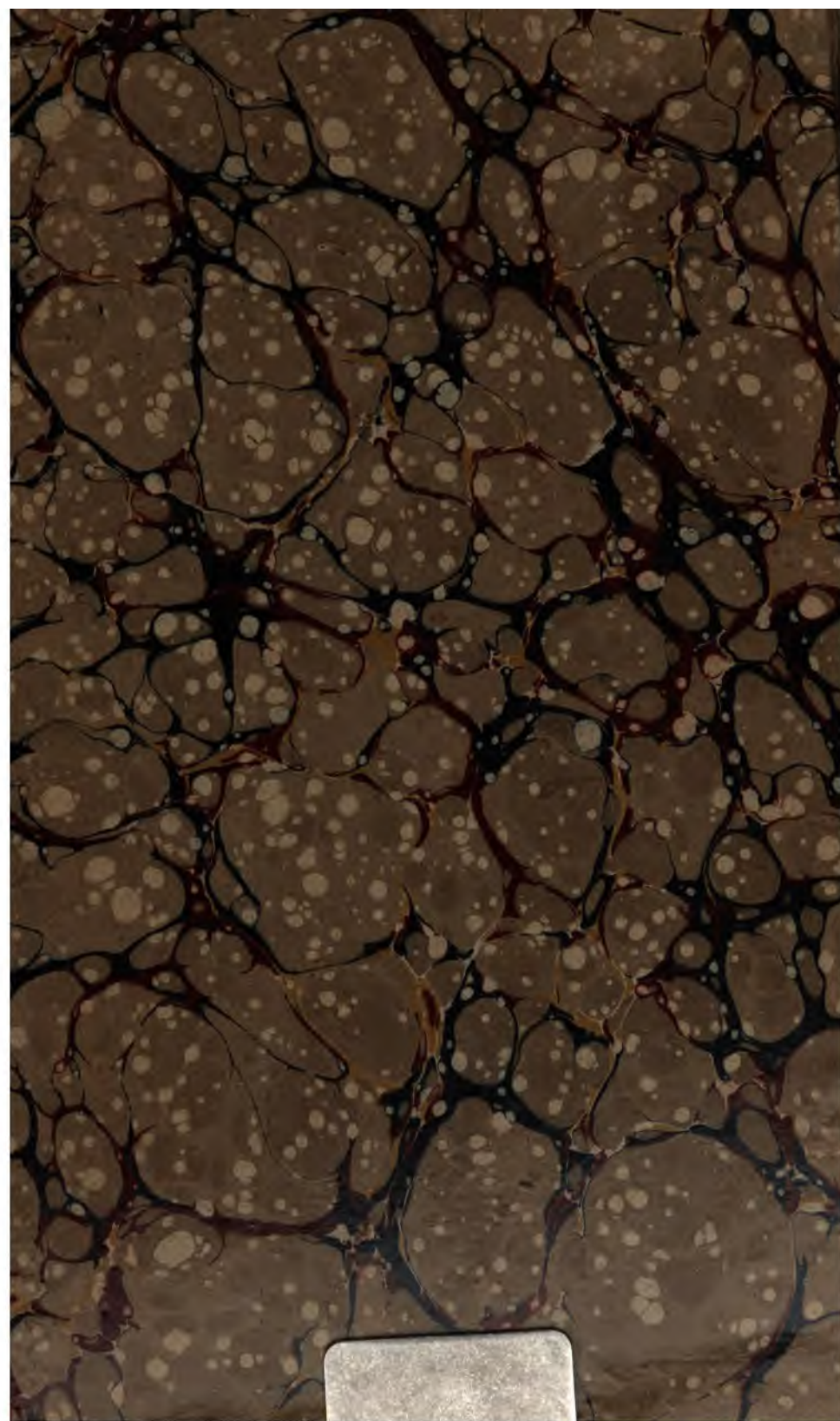
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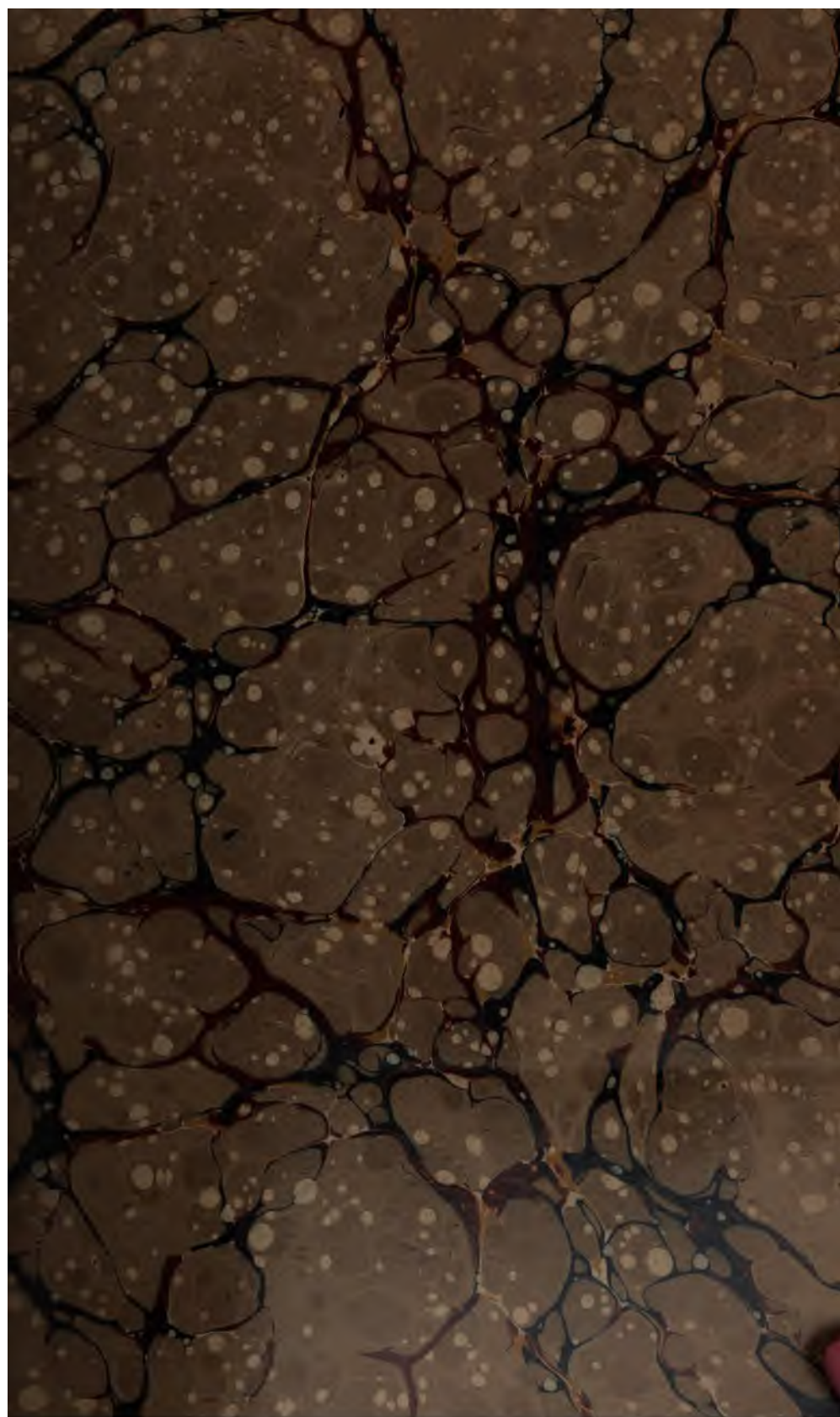
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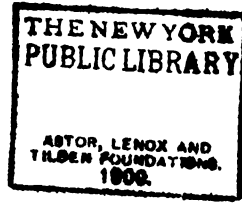
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## THE STUDY OF SOCIAL SCIENCE.

READ AT THE GENERAL MEETING, PHILADELPHIA, OCTOBER 25, 1870. — BY WILLIAM STRONG.

THIS assemblage of the members of the Association is doubtless regarded by some in this community as a novelty: not because conventions are unprecedented, — this is the age for them. It is no new thing for men to assemble for the promotion of some social reform, or to advance some object of benevolence, or to compare opinions respecting some scientific discoveries or investigations. But conventions the object of which has been the acquisition and diffusion of correct principles in all departments of Social Science, have, until lately, been exceedingly rare. None such have ever been gathered in this city.

Indeed, the intelligent mind of the country has hardly awakened to a full apprehension of what is meant by Social Science. And I apprehend a similar remark might be made respecting the cultivated intellect of the Old World, though perhaps with less fitness. Scholars understand when we speak of the science of mathematics, of astronomy, or physics generally, or when we speak of the science of law, or theology, or medicine; but when we talk of a science that selects human society as its subject, and includes in its departments all that affects society for good or ill, we seem to many like those that dream. It is remarkable that in the classification which the celebrated French philosopher, Auguste Comte made, only a few years since, of what, in his opinion, are all possible departments of human knowledge, he included what he denominated "sociology," not as an existing science, but as something that might, in a distant hereafter, be developed into a department of knowledge. And it may be doubted whether even Comte had any larger conception of it than as a possible science of historical social progress.

Yet, if it be considered what society is, and what it must necessarily ever be, its adaptedness to scientific investigation must become apparent — as apparent as is the fitness of the human intellect to be a subject of science. It must be perceived that it has regions almost boundless open for explorers, filled with mines of

knowledge deeply interesting, the value of which it is impossible to overestimate. It must also be seen that the knowledge to be acquired in studying such a subject is much more than food for curious speculation, that it is essential to the best interests of mankind. The most superficial observation discloses that society is much more than an aggregate of human beings brought into juxtaposition. It is an organism, and an organism that may well be said to have life.

With many of the phenomena of its existence we are familiar. We know that it has its habits, as deeply seated and as potential as are the habits of the individual man. It has also its diseases, — some chronic and others occasional, — all needing the application of appropriate remedies. It has its opinions, more or less sound, by which its action is guided as truly as if they were laws; multitudes of them having the acknowledged force of law. It has, also, various forms of civil organization. Now it is with this living organism, with these habits, diseases, opinions, capabilities, and everything that acts upon social happiness and development; with all that has been discovered or that yet may be known, which tends to elevate and advance human society, that Social Science has to do.

It is impossible to look at such a science, even superficially, without being impressed by the immensity of the territory which it sends its votaries to explore. What is there in human history or in human experience, — what is there in human capability, that does not bear upon the condition of social life? And how greatly are the interests and the character of a community often affected by causes outside of itself? The thorough student of the science must, at the outset of his investigation, acquaint himself with the phenomena of its existence, and with the true explanations of those phenomena, — with everything that appears to constitute or characterize its life.

This is no small task. Such an acquaintance cannot be secured without the aid of much more than his own observation. The tendency of social life is, in many particulars, to change. In no community where civilization has been born, and where it has begun its growth, is human society now what it was in any former age. The change in some communities may have been very gradual. It has been in Oriental countries, but it has been real. I know we are accustomed to speak of Chinese civilization as stationary, and of Persian, Arabian, and Hindoo society as the same that it was centuries ago. But we have no sufficient warrant for



such statements. They are not justified by what we know of those races.

It is true many of their habits have long remained unchanged, and the judgment we form of communities is often based almost exclusively upon observation of their habits. But social habits are not all that make up human society; intelligence, opinions, vices, and laws are equally constituents. I do not say that in Oriental countries change has always been for the better, or that progress has always been upward. I know that the contrary has been the fact.

What I maintain is, that everywhere, owing to causes known or unknown, human society is ever undergoing changes for better or for worse. Certainly no one can doubt that such is the fact in this country. There are now social diseases among us — chronic diseases, which, within the memory of living men, had no existence, or if they existed, were only occasional. This is not the result of accident. These diseases have not come into being without causes that may be known.

There are habits of society which former generations had not — habits that control social action, and deeply affect the general welfare. Something has given birth to these. There are opinions of modern origin, which are accepted as axioms, and which direct irresistibly much of the conduct of society. There are laws, the dictates of supposed recent necessities, or the offspring of new theories, which have greatly modified relative rights, and which are constantly moulding and changing human society.

In most of our States a law-making power once each year enters upon the work of introducing what it deems to be salutary changes. Some of these may be improvements, but many of them are rash experiments, devised without any thorough knowledge of social life, and sometimes begetting greater evils than those they were intended to remove. But whether wise or injudicious is not now the question I am considering. Whether the one or the other, they are changes. They reach new modifications of social life. No State legislature, when it adjourns, leaves society as it found it.

I think also there are peculiar causes existing in this country which render changes more frequent and observable than they are elsewhere. Among these may be mentioned the constant flow of emigration pouring upon us, the varied character of the emigrants, the vast regions of unoccupied land we have, the fact that all our territory is comparatively new, and consequently that new discov-

eries of mines and productions are annually made, inviting to new kinds of labor and leading to the formation of new habits.

If, then, it be true that social life is not stationary; if there are constantly changes taking place in its customs, its habits, its diseases, its opinions, and laws, it is obvious that the student of Social Science must be more than an observer. He must become acquainted with the history of those changes, and he must search carefully for the causes that induce them. He must note their effects and their tendencies. Until he has done this thoroughly he is not prepared to theorize. In a large degree, therefore, the study of Social Science is the study of historical progress. It is much more, but that is indispensable. Unfortunately, little attention has been given by either ancient or modern historians to the march of social life.

Through many of their works we look in vain for any satisfactory account of the real condition of the masses in any former age. They give us little information of the habits of communities; of the origin of prevalent opinions; of the rise of existing evils, or of any of those phenomena that characterize social and domestic life. History, as we find it recorded, is little more than an account of governmental action; of war, and diplomacy, and sometimes of the public conduct of the ruling classes. And yet there are materials for the study of at least English and American social history, almost from their earliest origin. We may know what gave birth to very many of those things in society which were apparent in former times, and which we witness now. We may know how certain laws came to be established, what has been their effect, and what were their deficiencies.

To the study of historical progress and development the student of this science must add careful and minute observation. He must thoroughly know the facts: what it is that constitutes human society as it now exists, what influences it feels, what evils afflict it, what obstacles stand in the way of its upward progress. It is then, and then only that he is prepared to apply correct principles to the facts a knowledge of which he has acquired. Nothing is more unsafe than theorizing without accurate knowledge of facts; nothing is more fruitless.

Of this there can be no better illustration than Locke's scheme of government for the Carolinas; beautiful in theory, but wholly impracticable, because formed without any adequate knowledge of the social life and the circumstances of the community for which it was intended. Its only effect was to cause almost remediless con-

fusion. The present age has also furnished us many examples of the folly and disastrous effect of mere theorizing upon human society, without knowledge. From these theories have arisen the evils of socialism, and the destruction that has followed in their train.

If now it be noticed how many things there are that war against human society, how much there is that interferes with its elevation and resists its progress toward possible perfection, how pernicious are some of its habits, how mistaken are many of its accepted opinions, and how defective and injudicious are the laws that govern it; and if it be remembered that we are not yet assured of the soundness of many of the principles that are deemed applicable to it, it will be manifest that this association, and all other associations for the acquisition and diffusion of Social Science, have a work before them of no common magnitude.

No other department of science opens so wide a field for investigation, and certainly none promises a richer harvest. How much is yet to be learned, and how much is to be taught, respecting popular education! We are beginning to learn that mistaken opinions prevail in regard to its purpose, its nature, and the mode of conducting it. Whence have come these opinions? How far are they erroneous, and how are they to be corrected? What is the education that should be given in our common schools, maintained at public expense, and how far should attendance at public schools be compulsory? These and many others that might be proposed are grave questions, deserving of thoughtful investigation. So, too, are the inquiries, What relation common-school education has to law, to the government itself, as well as to social health and morals? This is all within only one of the departments of Social Science.

Then how numerous are the evils that afflict society as such! They meet us on every hand. Their effects are everywhere visible. It is not, however to be conceded that they are incurable. Yet before any successful attempt can be made to eradicate them their causes must be known, and appropriate remedies must be devised. Social Science has yet to make large advances in this direction. Take for illustration the subject of pauperism, a subject not of as much importance in this country as in England, but still of no small magnitude. What are its causes? We know in individual cases. We know what personal and social vices tend to it, what misfortunes may induce it, but there are larger and more general causes behind all these that have not yet been discovered.

How is pauperism to be treated? How is it in the mass to be prevented?

So, too, there are vices flourishing in society, paralyzing its energies, which, if thoroughly investigated and understood, might be effectually suppressed. Much is also yet to be learned of the economics of social life. How is labor to accomplish the greatest possible results? How is it to be conducted in harmony with intellectual, moral, and physical advancement? What are the proper relations of labor and capital? Closely connected with them and all other kindred subjects is a consideration of the laws that bind together and control all social organism. Whether these are the best that can be devised is a question yet to be answered, and answered in view of the present condition, the need and the possibilities of communities. It is plain, therefore, that the field open for exploration is broad enough for the largest ambition, and varied enough for every taste.

Happily it is not all *terra incognita*. Many diligent and successful explorers have entered into it, and the fruits of their labors are becoming more and more abundant and valuable. I have been surprised to learn how largely the educated mind of the world has recently turned its attention away from what we denominate the abstract, or the physical and natural sciences, and devoted it to the cultivation of those sciences that relate to the condition and development of social progress.

Within a single year more than one hundred and fifty works have been published relating to Social Science without including periodicals, many of which have contributed richly to our stock of knowledge. New explorers are constantly entering the field, supplied with the acquisitions of their predecessors. It is true that each has labored singly, and it has not always been perceived how closely related the numerous departments of the science are to each other. This relationship we shall see more and more clearly as we advance. The science is now in a condition very similar to that of our common law in the latter part of the last century.

Most of the branches of the law had been studied, valuable treatises had been written respecting many of its titles; but their common relationship was not fully perceived. Then it was discovered that they are all parts of one system, which would be incomplete if any one were absent. I doubt not the time will come when it will be seen that the investigations now in progress into social habits, diseases, or opinions, into popular education, political economy, public health, or jurisprudence, however widely apart they

may seem to be, are still kindred to each other ; that they are all making contributions to the same treasury, and building a science conservative of all that is now good in social life, elevating communities to a higher standard of conduct and achievement, repressing the evils which now exist, securing the more easy attainment of human sustenance, adding stability to the rights of labor and of property, stimulating a healthy individual ambition, promoting a pure morality, and conducive in every way to the general welfare. Such is what this Association proposes to itself, and such, I think, are the well-founded promises it holds forth.

## WASTE OF EXISTING SOCIAL SYSTEMS.

READ AT THE GENERAL MEETING, PHILADELPHIA, OCTOBER 25, 1870. — BY LORIN BLODGET.

It must be obvious to any one who has given thoughtful attention to Social Science, in any of its departments, that quite insufficient progress has yet been made in ascertaining and in utilizing the productive powers of enlightened society; and while the discussion of these powers in their general sense, or as a whole, may at first sight appear to be a distant and somewhat impracticable view of Social Science, I still think that some present attention to this point will be well rewarded; and I propose, in what follows, to at least open the subject of the wealth-producing powers of society, on a field so broad as to include mental as well as physical labor, and, indeed, to include the entire list of attainments capable of record and of preservation.

To afford a definition nearest to the conception of production and of wealth here assumed, I cite the principle now admitted and enforced by the best economists in regard to the productive power of ordinary labor. This principle holds that a man's physical power in daily labor is precisely equivalent to any form of material production having the same salable value, and that the loss of this instant power to produce, or the neglect to employ or utilize it, is as clearly loss as would be the destruction of the bushel of corn or the yard of cloth which that labor would have produced. The destructive forces of nature, alike with the demands of daily life for products to consume, compel the constant physical labor of men, and the constant production of materials of value to meet such demands. And so clear and direct is this relation in regard to the material products of food, clothing, and daily necessities of all sorts, that if the supply of labor ceases, the result is at once felt, and the waste is clearly understood. I simply propose to apply this accepted principle of wealth and waste in common things to the wider field which embraces all the productive powers of man in enlightened society, mental as well as physical, and general as well as individual.

From this higher point of view, it appears clear to me that new

light is thrown on the whole subject of industrial and political economy, and the field that these are now understood to occupy is not only enlarged but really simplified. A new class of productive powers appears, and new accumulations properly to be described as wealth; and this enlarged discussion is, in my judgment, the special province of organizations devoted to the promotion of Social Science. In this new field little has been attempted, yet the power of organized and united effort is very great, and if it has productive powers at all, their employment is a duty, and their neglect is loss and waste, as decisively as in the common things of life, and the daily earnings of muscular labor. It is now a recognized duty of civil government to maintain the wealth-producing power of what we call the laboring classes in constant exercise, and to enforce every possible safeguard against the waste and loss which attend on idleness. The point I desire to present is, that a further duty now falls to the hands of those who direct the voluntary legislation of society, as we may perhaps call it, — the duty to extend, encourage, and protect the higher forms of productive power.

The axiom that confronts and stimulates us is this: that all these values perish at the instant if unused; the intellectual, the social, and all general powers, alike with the muscular power to plough, or dig, or build. If it is true that there are great wealth-producing powers possessed by enlightened society beyond these, it is certainly a high duty to elucidate and cultivate them, and to enforce their exercise. The proper agency for this purpose is public opinion, and organized attention to such subjects as is generally designed by this society.

The readiest illustration of this general principle of wealth and waste of course comes from its material side, and the distressing poverty of many nations even in peace, still more with the calamities and convulsions which involve them in war, keep us only too closely to that branch of the subject. It would be easy to show that a reasonably full employment of labor, and reasonably adequate guards against the destruction of property after it is created, would ensure all the inhabitants of civilized nations the most abundant means of living, and a steady accumulation of wealth. The world need not be poor, and nations that do not willfully waste and blindly destroy, are rewarded by the creation of wealth so permanent that it may even survive the convulsions by which the very national existence is blotted out.

This principle, in regard to daily labor, has recently been well opened and effectively prosecuted by political economists, and it



cannot be pressed too earnestly or carried too far. I here prefer to do as much as I can in elucidation of the broader principle before stated, and to stimulate investigation in the whole field of social wealth.

The associated intelligence of men in an enlightened community possesses the very highest measure of power ; a power as much beyond that of the individual in the same field, as does the united physical strength of many persons over the single strength of one man. In any department of science, of literature, or of art, this concentration of effort is prolific of valuable results. Still more in directive matters, and the intelligence by which all public interests are promoted, the necessity as well as the value of united efforts is universally recognized. There is real poverty and loss promptly experienced by every community in which these higher powers are unused or misapplied. There are instances within the personal observation of almost every man, in which the material wealth of a community — in houses, cultivated lands, and every form of ordinary property — has been seen to waste and scatter as the direct consequence of a decline in the higher capacities, and a neglect of the higher duties of its members. A neglect of mental cultivation, and a waste of the treasures of science and of art, may appear to have but a remote connection with the productiveness of agriculture or the activity of manufactures, yet a little observation will show that, as points of fact, the most abundant material production must, to be permanent, be supplemented and sustained by higher forms of wealth, — by fixed quantities, as we may almost say, of literary accumulation, and by definable aggregates of scientific and artistic treasures. And certainly, where these higher forms are wanting, the waste of ordinary wealth is fearfully rapid, and its permanent preservation becomes almost or quite impossible.

I hold, therefore, that in all that relates to these higher powers, we produce and accumulate when all are employed, and we lose and waste when they are unemployed. And not only is there entire analogy with mere muscular labor in this respect, but also such inseparable connection as to carry both forward or backward together.

We are scarcely at the threshold, as yet, of a just appreciation of the wealth that may be gathered by constant labor in the higher departments of associated effort. Society is so often prostrated by material poverty, and by waste resulting from neglect, or the wrecks caused by violence, that we struggle with material economies as though there were no other. Even on these material ques-

tions, I am confident that a sounder philosophy and better practical results would follow from an extension of the principle of loss and waste in common labor from one field to the other, as I have here proposed. The discussion of the laws of production and accumulation in ordinary wealth, often blends very closely with the struggle simply to get or possess it; the advocates of one doctrine or another being led off, perhaps quite unconsciously, by a purpose to turn their efforts to merely personal account, rather than to advance any principle, or promote the general good. Economical science is, therefore, too often a contest of rival interests, and its truths are too much obscured by selfish disputes to afford a fair opportunity for the general public to understand them.

But let us see if the single principle of loss and waste, before referred to, does not, while freshly illustrating economical science in the most limited sense, also help us to wider distinctions; and, in fact, strengthen the whole subject wonderfully when applied to mental and social powers, and to all the work properly belonging to enlightened society to do.

In the first place, all powers and all capacities, physical and mental, produce more than natural consumption and necessary waste can consume or remove: they all lead to wealth, or to the attainment of a surplus of values, which we can, if we will, protect from destruction and preserve for future use. And we are conscious that, to secure this desired accumulation, the original production must constantly go on: it cannot be intermitted; the laborer cannot sit down in idleness in the field or the workshop; the merchant cannot neglect his exchanges, nor the scholar his studies. It is also a necessary condition, and an absolute law controlling human labor in every department, that it should and must produce wealth if properly directed and constantly employed; a law everywhere running parallel with that which brings poverty and loss as the consequence of disuse or perversion of any one of these productive powers.

The test of any system or principle of material or industrial economy is properly to be found in the results of a practical trial. If the result is wealth, and such advancement of the entire social state, not a part only, as solid wealth brings with it, the inference is strong, if not conclusive, that the principle is correct. If it gives employment to all, we have the first and best assurance that it is right, and that whatever else is desirable will follow, the public instinct at once seizing on this fact of employment as a key to all the rest. If, on the contrary, want of employment increases,

and if poverty and exhaustion ensue to any of the parties to the natural circle of production, exchange, and consumption, it may with absolute certainty be declared that the system is wrong. And, in considering these results, on either side, the whole field of interested parties must be included, not merely the residents of one district, who may prosper at the expense of residents of another district.

The waste of existing social systems is really so great and so painful in its consequences in some of these fields of material production, that I cannot go farther without saying how urgent my view is of the necessity that a more just and faithful application of this principle of waste from non-employment should be made to them. The great law of human existence, in this respect, is violated on so great a scale, and with such fearful consequences of poverty and distress, — not merely to a few of the idle where none need be idle, but to whole nations who have no relief under their present perverted legislation, — that it has become the right of public law and universal society to inquire into the causes of this needless distress. The energies of organized society everywhere must be directed to closing the frightfully wide avenues now open to waste. If it were possible to unite attention on this aspect of the economical questions, and to withdraw it from controversies on points so remote from the results that no man can tell what their relation to them is, a great service would be conferred on the material economies of the time. From this point the first question would be, In what manner shall all the productive powers of the people be maintained in constant employment, and secured in the realization of the absolute wealth which such employment, without unnecessary waste, is certain to procure ?

Returning to the more enlarged view of the subject, we find that neglect to produce, and neglect to preserve, the results of labor, is as conspicuous, if not as painful, in this greater field as in the more limited one of physical labor. And the waste that is so conspicuous on every hand is quite within the power of associated effort and intelligent direction to control. For this reason I am disposed to make a decided effort to define the principle I have assumed, and to establish a marked departure from the passive acceptance of the present state of things, as one of mere neglect to make all the profits possible, not of positive loss of something valuable in hand. In regard to social and mental accumulation generally, this passive position is almost the rule; the acquirements

resulting from thorough culture and faithful exercise of powers are really valued, but it is not felt, as it should be, that the law of labor and profit, on the one hand, and of idleness and loss on the other, applies as rigorously here as it does in grain growing or cloth making.

I regret that this doctrine is far from being generally admitted, or rather, far from being generally understood; and I am conscious that it is beating into a field of comparative obscurity to attempt its elucidation. But I am impressed with its value as offering a particularly free and open road to the prosecution of investigations in Social Science.

Much of the work which individuals or social organizations have it in their power to do remains unattempted because it is not felt that there is any obligation to do it; or that a relapse to something lower is certain to ensue if it is not done. Time makes as certain wrecks of social products, and of the attainments of society or individuals in the higher labors of life, as it does in works of brick and mortar. If all the house-builders of a city were to refrain from erecting anything new, it would not be many years before an aspect of positive destruction would be presented; and if there were no conflagrations in fact, the situation would be worse than if twenty conflagrations had occurred, and the building forces had gone on with their regular work of production and accumulation.

I take the general position, therefore, that the powers and capacities of man in society are all necessary, and that their exercise is demanded of him, as well as permitted; and also that the powers and capacities of the aggregate social organization are equally essential with those of the individual, if we can suppose a distinction on this point. It is conceded that the individual who is not qualified for occupation in intellectual or directive capacities is under constraint as to the necessity to work; that he is compelled by laws which promptly punish any neglect or refusal on his part to give full and practical employment to his physical strength, under all the circumstances that may surround him in the most highly civilized society. In fact, as society advances, it almost appears more severely incumbent on the laboring man to labor, and more certain that he will starve if he does not; how then can the general duty to be employed be released on the part of the mental and social laborer? It is true that the man who is suited to the discharge of directive duties, and who can substitute mental for

physical labor, has an alternative which the other has not, and is therefore easier in his position ; but no one, whatever may be his capacities, can evade the necessity to produce his quota of the grand aggregate that must be produced. The error is in assuming that these directive or superior duties are optional with those having the capacity to perform them, and that no loss results from idleness or neglect. The general rule unfortunately is to passively admit the waste of this form of production, and to assume that common labor and material things are the only products whose loss is to be regarded. In fact these higher products are, if wasted, the heaviest waste, and the most serious loss.

And on the point that all production is naturally cumulative, and designed to attain the surplus we call wealth, some earnest words are necessary. Material products of value accumulated in excess of the demand for exhausting consumption, constitute wealth in the ordinary sense, and we know that the blindest forms of mere physical labor may be, and are, so directed in civilized society as to cause a rapid accumulation of its products. *Wealth is easy, and indeed inevitable if there is no waste* ; and in this simple enunciation of the fundamental law of physical labor, there is a test of the fitness of laws, and the soundness of the organizations of ordinary society, better than any other that can be devised. It must be observed that it is not to finished material products alone that we are to look in ascertaining whether there is loss or not. We should be ready enough to observe and condemn the man who would daily throw a bushel of wheat into the sea, or who would destroy a yard of cloth daily, yet we look with less concern on the farmer idling when he should be growing wheat, or on the workman unable or unwilling to make the cloth he could easily make. The consequence to society is the same in either case, however ; and we are very well prepared to understand and value the principle so far as relates to material products. The difficult side of this material production is now in regard to the proper direction to be given to all the forces at our command ; the truth being that labor must produce more than it formerly produced, and must be combined with the forces of machinery and the highest intelligence in direction.

But I leave this tempting opening respecting the intelligence to be employed in directing labor, for the more general discussion first announced, in the hope that we may here find an acceptable field of common agreement for the prosecution of Social Science, and may secure in it such general advancement as will enable us

to take up subordinate questions with a better view of their relation to the whole, and may therefore accomplish more in them. If we are clearly convinced that we have all definite duties in the production and accumulation of something for the common benefit, and if our neglect of these duties is loss and waste as clearly as the neglect to labor would be, if we were mere laborers, there will be a better appreciation on our part of the most subordinate question that may agitate the people.

It may be thought a forced assumption that the non-exercise of intellectual powers produces results analogous to material poverty, but to reach a true conclusion on this point it must be seen what the demands of enlightened society are on all its members. And it is certainly true that in the best organized society, while there may be many engaged in directive and superior duties, there is no place for idlers; and no class to be laid aside in mere leisure, consuming much and producing nothing, except at serious loss to the community as a whole. Producers in thought, and in designs, creators of new resources for the mental occupation of society as well as for their physical well-being, are yet producers of value, and their accumulations are wealth. Those who are merely idle themselves perish and disappear almost as quickly as the wealth they may happen to control is wasted; and the great error of those who have written or spoken of these departments of higher labor is their belief that the products of thought are mere chance work of individuals, not necessary in the first place to be produced, nor the subject of waste and loss if thrown away, or if the power to produce is carelessly or willfully unemployed.

The clearest and most logical analogies appear to me to prove that each one of the entire range of human powers, alike with the power to labor with the hands, is a productive power. If the muscular strength which in agriculture averages daily to produce a bushel of corn, is a power which society cannot afford to lose, and cannot permit to remain unemployed, is it not equally true that the directive capacity by which a hundred of these hands may be guided to the most economical use of their physical strength, equally requires to be in constant use? Yet we are in our appreciation of this necessity, much in the position that savage nations occupy in regard to muscular labor. With them labor is only considered necessary when hunger presses, and only so long as may be required to secure the absolute essentials of animal existence. In civilized life we do not let muscular labor off so easily; we pursue the laborer with the most unrelaxing severity, and drive him

to the wall with terrible severity. Great wealth is, however, produced by this constant labor; and the multitude of structures that constitute a city, and of fabrics that fill the thousands of warehouses, attest the efficiency of well-directed labor in producing material wealth. If there were no losses in production, and no wrongs were perpetrated in possession and distribution, it is evident that every man in civilized society able to labor would be free from danger of actual poverty. The savage wastes or misapplies all his powers, and consequently has nothing; the civilized man utilizes a part, although only the ruder part, by his constant labor, and he prospers remarkably in contrast with the other.

I am not aware that there has yet appeared any just analysis of the powers of enlightened social organizations considered as a concentration of individual powers. The united and coöperating intelligence, that is elevated sufficiently to work in unity and not in antagonism, and that joins all its powers willingly to produce the best result for the whole, is a force as novel as it is irresistible. It is a doctrine as false as that of Malthus to declare that intelligence is naturally antagonistic, and that the field of intellectual exertion is merely that of contest for possession of the values that somebody's labor has created. There is no department of intellectual pursuit, and no field for the exercise of directive intelligence, that may not be aided and advanced by applying to it more thought, more discussion, and more illustration. If there are differences of opinion, and contests over the principles that are supposed to apply, there is still no necessity for wasting antagonisms. Indeed, agreement of views in detail is by no means necessary if there is a purpose to act in good faith for the best general result. The crowning folly is the assumption sometimes made — indeed, too often made — that intellectual labor in the thousand new and scarcely opened fields around us is necessarily destructive rivalry, in which as much must be done to pull down and destroy, as to build that which is new. This assumption deserves comparison with the contests of savages for the small harvest of game a wild district will yield, when the same district under peaceful cultivation would yield food enough for a thousand times their number.

In conclusion, and to justify more fully the position I have assumed that existing social organizations are full of practical losses and positive waste, which, if prevented, would give us rich rewards of wealth, I will refer to some further details of the losses still



endured, and which leave the most highly organized society poor where it might be rich.

Apart from all narrow views as to what should be classed as productive labor, and enlarging the list of admitted productiveness to embrace all who either direct the actual muscular labor, or the exchange of its products, it must be seen that the waste of that which perishes with the hour of its creation is still great. We very reasonably claim that much has been done in economizing this labor, and in elevating it from unintelligent to skilled labor. But we have not relieved it from the conditions which often unnerve and paralyze it, or enforce idleness from causes beyond the control of any party directly concerned, as employer or employed. During the period of stimulated industry embracing the last six or seven years, there has been less of this primary waste than ever before, and accumulations of wealth have been marked and general in consequence. But improvement is possible in many directions, and nothing so forcibly strikes an observant foreigner, as the passiveness and neglect of our people in the presence of such abounding natural wealth as here exists. Lands of the highest fertility untilled; mines unworked; ores and woods capable of prompt conversion into articles of value tempt labor everywhere; and while we produce with comparative facility, and really accumulate much of material wealth, the observation of persons accustomed to waste of a different sort, constantly condemns us for indifference to the natural wealth about us, and neglect of what is, in their view, easy to do in utilizing these resources.

We also lose very heavily from the presence of merely idle or wasteful classes, those who have no agency in production of any sort, and who do nothing to advance the higher purposes of society. If a strict separation were made of these mere agents of waste, it would be found that their number is surprisingly large, and the difficult problem in regard to them, is the unfortunate facility with which they multiply in periods of prosperity, and when the appliances of productive labor generally have become most effective. If the losses caused by the idle and the vicious of the great cities could be averted, and the parties to beneficent production were able to reap all the rewards of their labor, untaxed for the maintenance of those who waste, the sum of sensible comforts would be largely increased.

It is, I cannot doubt, one of the high duties of Social Science to canvass these sources of production, these agencies of wealth on one side, and of loss and poverty on the other; and to consider all

that may relate to their origin and control. Vigorous and persistent efforts might reduce the waste by these causes to half its present proportions; and it is astonishing that in other countries, where the dead weight of pauperism and of vice presses with tenfold the force that it does on ourselves, there is not more thorough and efficient inquiry directed to the primary causes of the scourge. Relatively we suffer little, so little that it is not easy to make our people perceive in what manner the burden may be removed. Too little instructed in the consequences of idleness and waste, we are too ready to pass by the miserable as though they were justly punished and it was no concern of ours. Still more are the people unawake to the splendid attainments which our free society and great capacity for elevated labors opens to us, and places within our easy reach, if only all would work and none would waste.

To summarize the views I have endeavored to express in this paper, I think it due the age and the occasion to demand that social organizations should see their powers and their duty in an enlarged and more comprehensive manner than heretofore, particularly as to every department of wealth-producing energy they possess; that it should be a recognized principle, not only in mere physical labor, but in intellectual and moral fields, that idleness is positive loss and sensible waste; that the neglect to do what we are fitted to do is a violation of duty as well as a cause of poverty; and that the wealth of accumulated resources is easy and inevitable in all these departments, if we will only produce the values our powers were given us to produce, and will simply close the channels of loss and waste.

## MINING LEGISLATION.

READ AT THE GENERAL MEETING, PHILADELPHIA, OCTOBER 25, 1870. BY ECKLEY B. COXE.

OF late years the attention not only of our national and State legislatures, but also of the public at large, has been directed to the necessity of proper legislation in reference to mining, and to the true relations of government to that industry and to the workmen employed in its prosecution.

Although little has as yet been said or written upon this subject in the United States, it has been carefully and scientifically studied for hundreds of years in Europe, and, during the present century, the mining codes of the principal countries of the Old World have been greatly modified and improved. England, France, and Germany have their mining laws and their corps of mining engineers or inspectors, but in this country, until very recently, we have had no legislation in reference to mining, and, of course, no official supervision of the miners and of the mines. During the last ten years several very terrible accidents have occurred in different countries, by which the importance of legislation for the better protection of miners has been made evident to the civilized world. Among the most horrible were the disasters at the Hartley and Oaks collieries in England, that at the Potschappel mines in Saxony, and that at the Avondale shaft near Wilkesbarre in Pennsylvania.

The accident at the Hartley Colliery occurred on the 16th of January, 1862, and was caused by the breaking of the beam of the pumping engine, one-half of which, weighing many tons, was precipitated into the shaft, carrying with it in its fall the timbers, brattice, etc., and completely closing the pit some distance above the bottom. As there was but one outlet, the air in the workings soon became impure, and all those in the mine at the time, two hundred and four in number, perished by suffocation. This horrible accident caused a change to be made in the mining laws of England, no mines with a single outlet being now permitted. The Oaks Colliery disaster, by which three hundred and sixty-two persons — perhaps the most ever killed at one time in a mine — lost their lives,

was occasioned by an explosion of fire-damp, and occurred on the 12th of December, 1866. The accident at the Saxon mines took place on the 2d of August, 1869, in consequence, as it is supposed, of the fire-damp penetrating into some old abandoned workings, in which the coal had taken fire by spontaneous combustion; an explosion ensued by which two hundred and seventy-six workmen perished. The news of this accident was received with a shudder by the whole civilized world, and, but a few weeks afterwards, we in Pennsylvania were shocked by the report that one equally horrible had occurred in our State. The Avondale disaster happened on the 6th of September, 1869. The shaft, which was the only outlet, was divided, for the purposes of ventilation, by a wooden partition into two parts. The latter caught fire from the furnace used to produce the current of air in the mines, and the flames were communicated to the breaker, a large building also of wood, placed directly over the mouth of the pit. When the partition in the latter was destroyed, the air could no longer enter the mine, and the men, to the number of one hundred and eight, died of suffocation.

A point to which we would here call attention, and to which we shall have occasion to refer in another part of this paper, is the great difference in the mining legislation of the three countries in which the above mentioned calamities occurred. England, the scene of the first two accidents, was at the time supposed to have a very good mining law, and all her coal mines were under the direction of a corps of able inspectors, whose duty it was to see that the provisions of the mining act were carried into effect. Saxony, where the third accident occurred, has been for centuries one of the great mining districts of Europe, and her mining laws are the result of long and varied experience. Her corps of mining engineers stand second to none in education, ability, and reputation, and her school of mines has no superior and very few equals. Pennsylvania, when the Avondale disaster occurred, had no mining law and no inspector of mines, and very few people in that State had ever thought either of them to be necessary. During the excitement caused by this accident, the State legislature passed, in haste and without proper study of the question, an act, which is both defective and incomplete. It is known as the "Ventilation Act." This, with the exception of some laws in reference to the titles to mining claims on government lands, passed by Congress, is the only legislation I know of upon this subject, which has been enacted in the United States.

Before considering what is required in this country, let us examine the mining legislation of Europe, beginning with the continental codes. On the continent the state is the owner of all ores, coals, and minerals, and of the right to mine them. There are a few exceptions in regard to some kinds of iron ore, and to substances which are quarried and not mined; they are the property of the land-owner. The laws of the various mining codes may be classed under three heads, namely, those relating to the granting or conceding of mines, to titles to mines, etc.; those relating to the health and safety of the miner and of the mine; those relating to mines as sources of national wealth, which are to be used but not abused. As the title to all mines is originally in the state, and as they are generally worked by private individuals or companies, it is necessary that the mining code shall fix the terms upon which the right to mine may be acquired. The government should, of course, always endeavor to encourage the search for and the opening of new mines upon all land not already occupied. A new mine is a source of new wealth to the country. The laws vary in the different states, but the right to explore is generally granted first. After an ore or mineral has been found to exist in sufficient quantities to justify the opening of a new mine, the right to work it is conveyed under certain conditions to the applicant for it, and from that time he has the exclusive right to mine that mineral in the territory assigned to him. For the privileges granted to him, he pays either so much per unit of surface at once or per year, and also a certain percentage of the net profits, or of the ore or metal extracted from the mine. It is generally stipulated that a certain amount of work shall be done every year, or the title returns to the government. Under some circumstances, *e. g.*, in case of war, this condition may be remitted. In former times mines were taxed very heavily, and governments endeavored to obtain as much direct revenue as possible from them; but at the present day, the conditions imposed upon and the royalty paid by them are generally made as light as possible, the state relying more upon the indirect than upon the direct profit of this industry. It now seeks rather to assist than to discourage those engaged in that business, which is so often but a lottery.

We will not discuss this branch of mining legislation, as it is of less interest to us who live in the older States, where the title to minerals (with the exception of reservations, in some cases, of a part of the gold and silver) is in the owner of the soil.

Let us now consider the laws which may be classed under the

second head, namely, those which provide for the safety and health of the miner, and for the protection of life and property on the surface from dangers arising from the caving in of the mines, or other similar accidents. Although this portion of my subject is the most important, I approach it with some diffidence, as I am personally interested in working mines, and belong to that class from whom the mining law is supposed to protect the miner. I feel, therefore, that my views may not be so unbiassed as I should wish.

Let us now consider what are the perils to which a miner is exposed, and what are the best means of protecting him from them. There are two classes of mines, — those in which no fire-damp is found, and those in which it is given off or generated. There are two kinds of dangers to which a miner may be exposed, and from which it is the province of mining legislation to protect him, namely, those which may result in death or mutilation, and those which may injure the constitution of the workman and produce disease. In mines where fire-damp occurs, those engaged in them incur the additional risk of being burnt or killed by a sudden explosion of that gas.

What are known as accidents in mines, may result from the ignorance or carelessness of those in charge of the management of the mine, from the ignorance or carelessness of the miners themselves, or from causes which neither could reasonably be expected to foresee. From the account given at the beginning of this paper of the four most terrible mining disasters of the last ten years, we see that those countries possessing the most perfect mining codes and the ablest mining engineers, and in which mining has been for centuries one of the regular industries of the land, are never completely protected from such disasters, particularly where that great enemy of the miner, fire-damp, is found. The inference to be drawn is not, however, that a mining code and able mining engineers are of little or no use, but, on the contrary, that it is of the utmost importance to be ever on the watch to amend and improve the laws, and to instruct those in charge of the works in all the improvements made in their profession.

A miner may be injured either while at work, or when going to or returning from it. The dangers to which he is exposed while passing from the mouth of the mine to the place where his work is to be performed and back, and over which he has no control, may be occasioned by the failure of the ropes, ladders, cages, or man-engines ; by defects in the hoisting machinery ; by falling pieces of wood, coal, or rock ; by holes or pits left uncovered, or imperfectly

fenced off; or by the smallness of the gangways, shafts, or levels where he is obliged to pass cars or buckets in motion. Here the miner can do but little for his own safety, and must, therefore, rely upon those in charge of the mine and machinery, and upon the laws enacted for his protection. The latter should require the ladders to be safe, to have the proper form and slope, to be provided with resting places at the proper distances apart; the ropes to be carefully tested, to be of the proper size and strength; the cages, when used to carry men, to be provided with parachutes, and the man-engine, when it is adopted, to be well constructed. When men are obliged to travel in shafts, slopes, gangways, or air-passages, in which they are liable to meet cars or buckets in motion, places of refuge should be provided, so that they can pass them without danger.

But there is another class of accidents, which occur even when all reasonable precautions have been taken. They are those occasioned by the thoughtlessness, imprudence, and foolhardiness of the workmen. Some men, when accustomed to climb ladders, do it almost mechanically, and are very apt to have their thoughts elsewhere when moving in dangerous places, and, while in a sort of brown study, will step off ladders or platforms and be dashed to pieces. Others, again, are so anxious to show how much stronger, braver, or more active they are than their fellows, that they will constantly put themselves in unnecessary peril by climbing where they ought not to. There is also a class of workmen who are naturally careless, and who will always be leaning over the side of the cage, putting their heads or arms out, etc., forgetting that they may, at any moment, be killed or maimed by a projecting rock or timber. Accidents of this kind cannot be prevented by legislation; it is only by raising the standard of education among the miners, by instructing the boys, and by providing schools for master miners, that their number can be diminished. We will not discuss here the precautions to be taken in entering old abandoned mines, although the mining law should specify them. This point, though of but little importance in this country at present, will become one of great interest when mining has been carried on for a long time.

We now come to the consideration of the dangers to which miners are exposed while at work. They may result from any one of the three classes of causes previously mentioned, namely, their own carelessness; that of the persons in charge of the mine; causes which could not reasonably be foreseen by either miner or master. A miner may be injured by a falling piece of rock, coal, or timber,



by want of proper care in the use or preparation of the tools and materials employed by him, by want of proper ventilation, or by fire in the mines.

If the place where the miner is working is not properly timbered, the entire roof may fall, crushing all who are under it. Such an accident rarely occurs, as the miner generally has notice in time, the rocks when parting producing a loud cracking sound. The greater number of such accidents are occasioned by the sudden breaking loose of comparatively small pieces of rock or coal, which, if they happen to fall upon the miner, are very likely to produce serious injury. Almost all the labor performed in mines is necessarily done by contract, as every one works more or less alone, and it would, therefore, be almost impossible to exercise a proper surveillance if the workmen were paid by the day. The miner, as he receives remuneration only for what he produces, will often run a great risk rather than do a little work for which he will receive no direct compensation. He has tried it so often without being hurt, that, although perfectly aware of the danger, he imagines he will escape this time without injury. This feeling leads him to undermine more than is safe, in order to bring down more stuff with his next shot and thus economize his powder, to avoid standing props where they should be used, etc. This is one of the most frequent causes of injury to miners, particularly when they are not very skillful. The mining laws of Europe require the timbering to be properly attended to in all cases, and it is the duty of the inspectors to examine all mines to see that the proper precautions have been taken in this respect. A miner, who does not obey the instructions given him in regard to timbering the place where he is working, is punished by the law, even where no one but himself is endangered by his neglect. The miner, when ignorant or unskillful, may injure himself with his tools or by handling his powder carelessly; but the law should require the materials and implements furnished by the mine to the hands to be of the best quality.

Accidents often happen in consequence of the powder taking fire too quickly when a blast is about to be set off; the miner may misjudge the length of the fuse; may fire the cartridge while tamping the hole; may suppose the fuse to be extinguished, and go back to light it again, only to be caught by the explosion. Sometimes, when a hole has missed fire, the miner attempts to bore it out so as to put in a new fuse; this is very dangerous, and should never be permitted. The mining codes of Europe contain

very stringent provisions in reference to blasting and the use of powder or other explosive substances; the tamping bars and needles must be made of copper, and the boring out of holes which have missed fire is positively forbidden. Legislation can do something to prevent this class of accidents, but much will of course depend upon the intelligence and care of the miner.

The next class of precautions to be taken to protect the miner may be considered under the head of "*ventilation*," and here legislation and proper inspection of the mines can do much to prevent disaster. Miners may contract fatal diseases by working for several weeks or months in impure air, *i. e.*, in air containing too much carbonic acid gas, or too little oxygen, or he may be suddenly suffocated under the same circumstances. The most terrible of all the dangers to which the miner is exposed is that occasioned by the presence of fire-damp in the mines. He may also be killed by the irruption of foul air from old workings. Two of the most horrible disasters, cited at the beginning of this paper, namely those of the Avondale and Hartley collieries, were caused by the cutting off the supply of fresh air, those inside perishing by gradual suffocation.

We have now mentioned the principal causes of what are generally termed accidents in mines; but there is another class of dangers which, although seldom referred to, often occasion the loss of more years of life than any of those cited in the foregoing pages. The health of the miner is seriously impaired, and his life often much shortened, by exposure to wet and cold, or to sudden changes of temperature, by working in air which, although capable of supporting combustion, is too impure to be breathed for a long time with impunity, by inhaling gritty particles and lamp-smoke into his lungs, and, finally, by climbing up and down ladders in going to and from work. When a workman is obliged to ascend and descend several hundred feet in this way every day, the effect upon his general health is soon very marked, and is most pernicious. The men climb up (or down) one after the other, each with a lighted lamp in his hat or hand; now as this severe exertion causes violent respiration, they inhale into their lungs large quantities of the lamp-smoke: this is one of the principal causes of *black* or miner's consumption. Upon arriving at the top or bottom, they are generally tired and heated, and consequently stop to rest, and thereby become chilled. The danger from these causes of disease is greatest in metal mines, which are commonly supposed to be much safer than coal mines, and their

effects are so pernicious that the average duration of the life of the metal miner, where the shafts are deep, is generally much less than that of the collier, who is exposed to the additional danger of explosions of fire-damp. In coal mines where the latter is met with, the ventilation must be very perfect in order to keep them safe, and the miner works always in very pure air. It is also much cheaper to drive airways in coal than in rock. The great supply of pure air and the fact that the miner is generally let down and drawn up the shaft by machinery add many years to his life.

Although legislation can do and has done much to protect the miner from these causes of disease, yet it is also very necessary that he should receive instruction as to the proper precautions to be taken for the preservation of his health. In Europe all mines infested with explosive gases are subjected to very strict regulations as to ventilation, and the inspectors are required to examine them constantly. This portion of the mining code should be drawn up with the greatest care.

The laws which may be classed under the third head, *i. e.*, those relating to mines as a source of national wealth, are to be found only in the codes of continental Europe. Every operator is there allowed to work his mine up to its full capacity, but he is not permitted to do so in such a way as to compromise the safety of the mine, or to destroy or render useless any ore or mineral in the deposit. This is often done; in this country, alas, it is the rule rather than the exception. Very often the richest ore only is taken out, and thousands of tons of poorer stuff, which may never again be reached, are left behind. Sometimes, in order to save expense, the timbering is made too light, and much good ore is lost by the caving in of the mine. In Europe it is the duty of the government engineers to see that no such wanton waste occurs, and to stop the mine, if that be necessary, to prevent it.

Let us now consider what should be done in this country, confining our remarks to the older States, where the general government has no interest in the land, and where the laws must be enacted by the State legislatures. We need not consider the question of the title to mines, that belonging to the province of the lawyer, as the minerals go with the surface right. We will devote our attention more particularly to the laws which may be classed under the second head. In all countries where the right to mine must be obtained from the state, the latter can impose any conditions upon the operator which it sees fit; for they are really only

the terms of the lease under which the mines are worked, and the parties undertaking to open them are perfectly aware of what will be required of them before they expend any money. In this country, as in England, the government can interfere only where it is necessary to do so in order to protect the life or property of the citizen. Mining is no way different in the eyes of the law from any other industry. Although the state is bound to see that the miner is subjected to no unnecessary danger, yet it is equally its duty to protect the workmen in powder-mills, the hands in factories, the passengers upon railroads, and the citizen in his home when his life is placed in jeopardy by the erection of unsafe steam-boilers near his dwelling. The duty and the right of the government to interfere in all the above cases are based upon the same principles. Although there is a great and pressing need of a good, well-digested code of mining laws in this country, the method adopted at the last session of the Pennsylvania legislature to obtain it, is not, I think, the most advisable.

The subject of mining legislation is not a new one; able experts in England, France, and Germany have been studying it for many years, and it is very important for us to profit by the results of their labors. In preparing a mining law it would not be wise, I think, to base it, as has been done, upon the assumption that one class of persons to be affected by it, I mean the operators, are not to be consulted, the law being intended merely to protect the workmen from them.

In drawing up the act, three parties are to be considered: the miner, the mine owner, and the general public. The first and main object of such legislation is, of course, the safety of the miner, and to this all other considerations must yield, but at the same time, care should be taken to impose no useless restrictions upon the operators, to make the law as simple as possible, and to frame it in such a way as to prevent any feeling among those affected by its provisions, that their interests have been uselessly sacrificed.

A mining law should, if possible, be satisfactory to both workman and operator, who should feel that there was no intention to oppress either, otherwise the law will be obeyed with great reluctance; it should contain no provisions, which, if contested, would be overruled by a court of justice. It is important to the whole country that the mines should be required to make no useless expenditures, as this will cause an increase in the cost of production of the mineral, that may seriously affect those industries which are dependent upon the mines for their supplies. All such

expenditures fall eventually upon the consumer, and, if uselessly made through ignorance, are a national loss of labor or capital.

If a good mining code is to be enacted in any State, a commission or committee should be appointed to frame it, which should consist of, or at least have the advice of, one or more persons learned in the law, of one or more persons skilled in mining and well acquainted with the mining legislation of Europe, of one or more practical miners, who are familiar with the dangers to which they and their fellows are exposed and who would represent those to be protected, and finally of one or more persons interested as operators or owners of mines.

In drawing up the law, it is important that no provision should be inserted which would be declared unconstitutional by the courts. If any clause in the act were decided to be illegal, parties would be encouraged to contest some of the other provisions, and much time would be lost before it could be brought into regular operation. It would be the duty of the mining engineers to examine the mining codes of Europe, to collate all that had been done previously, and to furnish to the committee the scientific groundwork of the act. They could also give advice if a dispute arose between the representatives of the workmen and of the operators. The practical miners would call the attention of the committee to the dangers to which they were particularly exposed in the State or country in question. Each mining district has its own peculiar sources of peril; in one it is the fire-damp, in another the water, in a third the bad roof, in a fourth the great thickness of the vein, etc. These points should be carefully considered, and a man, who is daily exposed to such dangers, could afford much assistance to the committee in their work. The owners and operators of mines, who, as in Pennsylvania, have invested hundreds of millions of dollars in purchasing, opening, and improving their properties, and in building railroads for the transportation of the products of their works, should also be heard, not for the purpose of thwarting any legislation which might be necessary for the safety of the men, but to prevent the insertion of useless or oppressive provisions in the law, like some of those to be found in the act lately passed by our legislature. If all parties were heard before the bill passed finally, the law would be obeyed much more cheerfully both in letter and spirit.

No matter how well digested the provisions of the act may be, it will always be difficult to carry them into effect, unless the persons charged with the duty of inspecting the mines are well-educated, experienced, and honest mining engineers or viewers. Such

officers can only be obtained by establishing good schools for civil and mining engineering. The appointments should be made by competitive examination, those showing most theoretical and practical knowledge to be chosen. There should be different grades of inspectors, so that faithful service would certainly be rewarded by promotion. All appointments should be for life or good behavior.

It is also important to provide schools for the education of working miners, in which they could be fitted for the responsible post of mine boss, as the overman or master miner is called in this country. The course of instruction should be so arranged that the miner could, while pursuing his studies, support himself by working in the mines. He would not, of course, be able to gain as much as those not attending the school, but he could earn enough to pay his expenses. For this reason the schools for master miners should be located in the mining districts, where work could be obtained. The course of instruction should embrace the elements of geology, chemistry, and mechanics, with special instruction in mining and underground surveying. Such schools exist in many parts of Europe, and have been found to be eminently useful. Although I am not aware that the plan has ever been tried, I think that much good could be done by introducing into the common schools of the mining districts an elementary course of instruction upon the subject of mining, with special reference to the health and safety of the miner. If such provisions for the instruction of all classes of persons employed about the mines were made, one of the greatest difficulties in framing and carrying out good legislation upon mining would be removed. It is important that there should be some person or board to whom appeal could be made, when disputes arise between the local inspector, and the operator, and who would have the power of suspending some of the provisions of the act, or of imposing temporary restrictions upon the mines, in cases of emergency. This could be arranged by having several grades of inspectors. At present the inspector in Pennsylvania stands alone; there is no one to whom he can appeal in case of doubt, and no one whom the operator can call in if he thinks the inspector is wrong. The operator can now appeal only to a court of justice. In Europe the case is different; in England an appeal can be made to the Secretary of State, who appoints a commission to investigate the subject; on the continent the same thing is done by the higher mining officials.

It is of the very greatest importance that the men should be

obliged by law to obey the orders given them in regard to mining, timbering, use of lamp, etc., by those placed over them. No law and no care of the inspectors will be of much avail if the men are at liberty to disobey the instructions given them in regard to their work, the use of their lamp, or the precautions to be taken to avoid accidents. In all the mining codes of Europe, there is a provision compelling the directors of mines to adopt rules for the management of the works, and these, when approved of by the inspector, become part of the mining law, and every one employed about the mines is obliged to obey them. Unfortunately there is no such clause in the law lately adopted in Pennsylvania. Many persons have an erroneous impression that mining is a peculiar subject for legislation. In those countries where the right to mine must be obtained from the government, the latter can, of course, impose much greater restrictions upon mining than upon other industries. In this country, on the contrary, the right to mine belongs to the proprietor of the surface, and the state can only interfere when the lives or property of others are endangered, and it is then its duty to do so. The case is, however, the same with railroads and powder-mills. If it is the duty of the government, before allowing one citizen to employ men in his mine, to see that proper precautions have been taken to protect the miner not only while at work, but also in going to and returning from it, so long as he is underground, it is certainly also the duty of the state to see that the hands in factories are equally well taken care of, that they are exposed to no unhealthy atmosphere or danger of being injured by the machinery, and that the lives of passengers on railroads are not placed in jeopardy by unskillful engineering, by false economy in the purchase of bad rails and inferior rolling stock, and by neglecting to introduce all improvements which add to the safety of railroad travelling. The same is true of steam-boilers, when they are erected in populous districts. These matters are all placed under the surveillance of government engineers on the continent of Europe. Human life is of equal value everywhere, and what is wanted is not simply a good mining law, but a well-educated corps of experts acting under a well-digested code, whose duty it should be to inspect all mines, manufactories, steam-boilers, and railroads, and to see that the proper precautions have in all cases been taken for the safety of life and property. Although thousands of persons have lost their lives in mines in the last twenty years, yet the number of those who have been killed and

injured upon railroads or other public works is much greater. One general law could be made to comprehend all the above cases, and one corps of engineers could see that its provisions were carried out. One of the most important functions of such a corps would be to suggest modifications in the law, either for the purpose of securing greater safety for the workmen, or of relieving the various industries from useless restrictions.

They could also do much to improve civil and mining engineering, by reporting the various improvements adopted in different parts of the Old and New World in some periodical similar to the "*Annales des Mines*." There should be some provision in the law to prevent persons who have not properly learned their trade from being received in the mines as miners, firemen, or machinists. In this country there is no such regulation, and incompetent workmen are often put in charge of machines, or employed to do work, which they do not understand. This is a frequent cause of disaster.

The ideas which I have wished to express in the foregoing pages may be summed up as follows : —

In the first place, a mining code should form but a portion of a general system of legislation for the better protection of the workmen employed in the various branches of industry. In framing such an act, the advice of able legal and scientific experts should be taken, and all parties whose lives or property are to be affected by it should be consulted, or at least afforded an opportunity of being heard.

No matter how perfect the law may be when passed, it will need constant modification as improvements are made in the different industries. It would also be necessary to have a corps of well-educated experts of several grades to superintend the execution of the law. Proper schools should be provided for their education, and they should be promoted from one grade to another for merit alone. I would also insist upon the importance of establishing schools for master miners, in which any one who works in the mines could, while supporting himself by his labor, receive sufficient instruction in his business to qualify him to direct intelligently the underground workings of a mine. I think it very advisable to instruct the pupils of the common schools of the mining districts in the general principles of what the French call the "*hygiène des mineurs*," so that they may understand the dangers to which they will hereafter be exposed, and be able to afford relief to any one who has met with an accident. In this way, all those engaged in



and about the mines would be able to understand the provisions of the law, and to aid in carrying them out intelligently. I would also again insist upon the importance of preventing the employment of ignorant or incompetent workmen in places where their want of skill may be the cause of disaster.

## CIVIL SERVICE REFORM.

READ AT THE GENERAL MEETING, PHILADELPHIA, OCTOBER 25, 1870. BY J. G. RO-  
SENGARTEN.

ONE of the practical questions taken in charge by this Association is that of a reform in our civil service. The first volume of our Transactions contained a paper on the subject; and what was said then can now only be repeated with the additional experience of another year. This is a question as between the people and the politicians; and that peculiar people, the men inside politics, have boldly declared in Congress and out of it that the government, and particularly the civil service, must be one of politicians, by politicians, and for politicians. What have we to say in our turn? Arguments and statements in support of the proposed reform have been exhausted in the debates in Congress, in the reports made by Mr. Jenckes, the father of the scheme, and by the Senators who have also had charge of the various projects for laws on the subject. The mischiefs of the service as it now stands; the general consent of all men who are desirous of good government; the universal feeling of the necessity of a change, lest the evils that now afflict us may yet do more and lasting injury; the example of just such reform in other countries; the success of the systems introduced in Germany and in England;—these are matters that are common to all of us; and I do not believe that any member of our Association, or any one sufficiently interested in its objects to be present at its meetings, doubts the necessity and wisdom of reform in the civil service. The curious fact, however, remains that though all the world seems agreed on it, there still is left a sufficient number of congressmen to prevent the legislation which is necessary to effect any reform. If the people could be polled on this subject, I do not for a moment doubt that an overwhelming majority would be on the side of the reform; but how is that majority to be heard, and how can we make its voice potential? Agitation and discussion are the more difficult because it is so hard to find anybody who differs from us, either as to the necessity of the change at home or of its efficacy abroad. It is true,

cabinet officers have indorsed it, and in the treasury, the coast survey, the patent office and the census bureau, appointments have been made upon the test of examination; one congressman, at least, declared that he would not be elected again unless civil service reform was accepted by his constituents, as far as he was concerned; and these solitary instances show that even among the politicians themselves there are men in favor of our reform. But how shall there be enough secured to overcome that worst resistance, the inert mass who need only do nothing to perpetuate existing evils? It is, indeed, with a sense of hopelessness that the task is again undertaken, for it is hardly likely that anything said here will be effective in the quarter where conviction must be brought home; yet, if we can only stir up the people at large to insist on this reform, they must in the end succeed. And unless there is a clear and strong expression of the popular will, and sooner or later submission to its behest, we may as well confess that in this, at least, the politicians are stronger than the people.

Now the question of civil service reform is really not an open one. The experience of France, of Germany, of England, is all before us, to show that mere patronage, the appointment to office for party purposes and as the reward of political success, must in the end vitiate the government or be reformed away altogether. Curiously enough, while we have been now for nearly five years turning the subject over and over, as if it were some strange thing quite unsafe to handle familiarly, England has passed promptly from the experimental to the practical. After testing the matter in its vast Indian establishment and in some of its home offices, a recent order in council has determined that hereafter all appointments shall be made for merit only, to be tested by examination, and that the reward of excellence shall be promotion and permanent employment in the civil service. Mr. Low, the chancellor of the exchequer, claims for his government the credit of having swept away a large system of patronage and of corruption, and placed the public offices in the hands of the people as a reward for fair and honest exertion. The English press find the impetus in this sudden extension of reform largely due to the discussion of the same subject in our own Congress and in the usual channels of public opinion; and I have a vague hope that in turn the action of Congress will be hastened by the example set them across the water.

It is certainly not necessary for me to enlarge here on the

growing danger and mischief of our own system of purely partisan appointment to office and removal from it; the story has been told in the reports made to Congress by Mr. Jenckes, and has been published far and wide. But it hardly needed such official affirmation; for we all know it, to our sorrow, pain, mortification, discredit, and cost. The mischiefs are known, the reform has been attempted: is it adequate, and is it practicable? is it really wanted by the country, and is it likely to be got?

What is the history of the reform in other countries? In Prussia, the old system was swept away along with the old system of military and civil government, when the country had been subjugated by Napoleon. What Scharnhorst and Gneisenau did for it in making the new army, Stein did for it in the reorganization of the civil service; and from that time to this, the day of its culminating triumph, the work so well begun has gone on, approving itself by success to be all that we need. In England, the reform began in India, when the great rebellion brought about, at the cost of much misery, a reorganization which has now spread throughout the empire; the extension of suffrage, the reform in education, and the opening of the civil service to all classes, have been the result; and they are necessary to one another to secure final success.

Here we have had our trial, too, and we have come out of it more than ever impressed with a firm faith in the power of the people to govern; but with the good results have come other evils that, for the future of the country, must be cured, or we shall soon fall back into a worse state of slavery than that from which we have freed ourselves at such a cost of blood and treasure. The general government, which was before the war almost a stranger to the individual citizen, now comes home to each of us, and we find it represented by an army of officials numbering lately not far short of a hundred thousand men. The duties of these officers require knowledge, honesty, and capacity; the laws they have to administer are not only new to them and to the citizen, but they are among the most delicate and difficult to administer that can be imagined; yet all the trouble they take and give must be heightened by the fact that the system of appointment to office is one of the very worst in the world—one which makes it almost impossible for good men to get office, quite impossible for them to retain it; and the effort to reform it is met by the cry of the politicians, a cry that puts all good government past hope.

But England and Germany have overcome the difficulty of worse situations than ours: the one was weighted down with a foreign invasion, the other with a domestic rebellion, when the remedy of a civil service reform was attempted. We have no other enemy than one of our own making, and yet the great American politician is the only man who stands up for the existing state of things, and prefers to keep it rather than risk the loss of power by yielding to the pressure of reform for reform's sake. How long the country can stand the loss and injury inflicted on it, no man can tell; how long Congress can resist the growing demand of the country for at least a partial measure of reform, no man can tell; but while matters stand as they do, it is useless, worse than useless, to recount the theories of writers on government, to show how many forms and kinds of appointment to office there are, to cite the efforts in France and Germany to establish civil service schools, and to hope to make the education for political employment just as thorough as that for the army, the navy, the judiciary, or any other of the technical branches of government. The various processes and changes, the well-considered reforms, and the minute and nicely adjusted schemes of civil service appointments in Germany and France, are all parts of a system so foreign to our own and to our wants, that there is little to be found in it likely to be of any practical use here. The continental system is one of most governing; ours of the least. There, every step a man takes, from his birth to his death, is the business of the government, and there is an officer appointed to control and direct it: here, we want to keep to the fullest extent our power of self-government, of free and unlimited and uncontrolled action; and the officers of the civil service, numerous as they are, have duties which are altogether unlike those of their foreign brethren, and their relations to the government are necessarily ruled by entirely other principles. Then, too, must be borne in mind the fact that our present scheme of civil service reform is confined to the officers of the general government — that of the United States; but we have, besides, a whole other army of officers belonging to our State, county, and city offices, to the various ramifications of our local self-government — that powerful arm of our system, so utterly unlike the centralized power of French and German, of Italian and Russian nationalities, where all life seems to come from one source. Here, the stream of national life rises in a thousand sources, and from these flow the powerful currents that together

form the national body. If, by dint of pressure, we can succeed in getting the system of examination and test for appointment, and of probation and promotion, once adopted by the general government, we may fairly hope to see it gradually take the place of the present annual or biennial scramble for office, with which every town and every county is cursed in the intervals of the great Egyptian plague of a presidential election with its consequent upturning in every nook and cranny of office. When one looks at the practical results of the existing state of affairs, and at the small prospect of any change at the hands of the men who now control it, there is such a hopeless blank in the future that it seems almost wicked to theorize on what might be, when every effort ought to be made to bring about such a feeling in and through the people as will compel legislation on the subject. Yet how can I ask you to stop and discuss the question of whether or not such legislation is needed, or whether the particular bill of Mr. Jenckes or Mr. Schurz is the best? The principle once adopted, we shall soon work out the best way to secure its successful enforcement; and I confess that, growing tired of the windmills which have to be fought to secure civil service reform, I am impatient to go on to quicken the efforts made elsewhere to bring to the civil service the best ability of the country, and to retain it, too. Each nation, like each individual, thinks that the home method of doing anything is necessarily the best, and often the only one,—certainly the easiest to practice. In this way a system, or a want of system, like our own, goes on uncontradicted and unquestioned for years; and it is only when the evils and mischief produced by it have grown to be dangerous to the common weal, as they are here, that the need of reform teaches us to look elsewhere for instruction and the means of improvement.

There are three different methods of appointment to office exhibited in foreign countries: thus, in France, there is an arbitrary selection made by the head of each branch of the government; and although there is no legal right of permanent employment, the fact is that removal without cause is almost unknown. There have been various endeavors to bring about a change in this system. When Victor Cousin was minister under M. Guizot, he sent M. Laboulaye to Germany to study the German method of appointment to office; but, in spite of his capital report on the subject, very little has been done in the way of legislation. Still, custom is so powerful abroad that, even in the midst of all the violence of the overthrow of the empire, we hear nothing of any

changes in the rank and file of the employes of the government, and the republic finds that its tax-gatherers, its post-office messengers, its police, and its thousand other busy hands, all do their work the better for being safe in their places ; indeed, one of the things that accounts for the easy transfer of power in France is this immovability of the subordinates, and the result is that government goes on in its regular course, no matter who is at the head of it. In England, the crown appoints directly ; and, as part of our inheritance, we transfer to the President the same duty. The law, as we all know, has been recently changed abroad ; while at home, after half of our national existence had been spent in a good working system, under which appointments were carefully made for merit, and changes only for cause, there was a revolution, which has gone on from bad to worse, until now it is hard to say who is responsible for any appointment. This we do know, that there is a loud cry for a reform. Now, where are we to look for the kind of reform that is to do us any good ? In Germany, the old system of personal patronage was swept away, and in its stead there grew up the method of making appointments to office depend on examination. The business has grown so greatly that it has undoubtedly led to abuses ; indeed, there is, perhaps, no body of men so much abused as the German Beamtenthum — the office-holders in Prussia especially. And even the system of examination has been roundly abused ; it is said that one half of Germany is always examining the other half ; that men are so busy getting ready to be examined, they never get anything else done. But, after all, the fruits of the system are now being tested by that crucial experiment, a great war ; and apparently, while France is in a sea of distraction, Germany at home goes on quietly, all the real business of the government being done by competent men, and the thousand ties that bind up the civil and the military administration woven together in a stronger web than ever before. As the German system of the art of war is likely to be adopted by all the world now in admiration of its success, so too the German system of civil service examination may well come in for a share of our admiration, and the field for reform here is a clear one, in which there is room enough to test all its merits fairly.

Now, how far will a system of examination-tests tend to secure us a reform in the civil service ? Examinations, of themselves, teach nothing, but they ascertain what has already been learned ; and as men do learn on account of their desire to submit to this test, it is a means of securing instruction, and it becomes a factor

in education. If in the medical, the legal, the military, the naval branches of government, there are certain prescribed requisites which are found useful, why should there not be something of the kind set up for the great body of officials who constitute the civil service? The promise of universal suffrage and universal education fades away when we find that petty offices are not the reward of merit, or the result of good service even, but merely the prizes of success at the polls, and just as much the exclusive property of the senator or representative of the locality as his hat or coat. The test of permanence is not that of excellence in office, but of devotion to the successful fortunes of a leading politician.

If we can secure the proposed reform, we shall take away from our representatives in Congress the most tempting and the most dangerous weapon in their hands; but apart from this, and the good effect on the government and its employés, there will be a vast good done in showing that education is of itself a matter of real value, of such high importance that on its result, as tested by examination, will turn the question of appointment to office. Show that good government means a government in which even the lowest office requires a fair standard of instruction, and you at once begin to elevate that standard, until education becomes really an important element in the government, and not merely a means of imparting a certain amount of instruction for any use that it may be put to.

It has already been made a source of complaint by competent observers, that what we call a system of education is in fact only a system of instruction, and the distinction is one well worth noting. In the one case there is a supply of learning, principally of a technical kind only, which meets the immediate wants of the time; in the other, the real business of education, there must be a thorough training of the mind, an intellectual discipline such as will enable the man who receives it to work with more than mere mechanical skill, and to apply it to whatever pursuit he makes his own. If the government, through its legislation in Congress, says that it wants to fill all its offices with men competent to the duties to be done, to test that competency by examination, and then retain all who do their work well and promote those who do it best, that will be an authoritative promise on the part of the government that it means to encourage education for its own sake; and the impetus and advantage thus given will secure, in return, an increased measure of instruction and education in the particular direction necessary for the training of



good officers of the civil service. It is not necessary to undertake the special education of men for office, as has been attempted with small success elsewhere, because the technical knowledge which is wanted can easily be had, or be added to the existing schools, and this is the method that has grown into a working system in England. The time spent now on subjects of doubtful importance would soon be devoted to the matters prescribed for examination, so that there could be a steady advance in the standard of attainment necessary for admission to the civil service; and the schools and colleges would soon supply the demand thus created for a larger and better course of instruction, and by so much add to the general stock of higher education throughout the country.

The question of reform in the civil service has been discussed from so many standpoints that it is difficult to find any objection to it which has not already been met. Merely as an economical measure, and this I look on as its least important side, it has been estimated by competent authority that there will be a saving anywhere from fifty to a hundred millions in the annual income. But even if not a dollar is to be saved, there is still a hope that by it we shall be saved from the evident depreciation in our political morality. The whole business of government is now made to turn on the question of who is to get the control of the offices; and elections are lost or won, not on the merit of the candidates, but on the power of professional politicians to gain votes by the promise of office. Even when the question is decided, the country is kept in a turmoil, and its business all upset, until the unfortunate man in power has chosen from the scrambling mass before him the still more unlucky men who give up honest and secured livelihood for the dangerous game of public service. High and low, great and small, from the tide-waiter at the custom-house to the officer most needing technical skill and responsible character, there is no certainty, because there is no requisite, of qualification. Instead of complaining that we are so badly off for our public service, the wonder is that we get even the men we do find for it; and we ought rather to be thankful for that peculiarity of the American mind which enables it to do pretty much anything, and to turn out good work with bad tools. Perhaps there has been an unconscious benefit in it, for the men who approved themselves competent often found much better employment in private pursuits, and the great corporations have drained the government of its good officers, even faster than rotation in office or the elections could do it.

What are the means of bringing home to Congressmen, and to the people who make them, the strong popular faith in civil service reform? What do they care for glittering generalities? No matter how true and how old the adage that the best government is that which is best administered, there is little hope of securing a return to the good old practice of making appointments for merit, unless some pressure is brought to bear that will secure by legislation the reform that we want. It is this first step which costs so much, and without it there is no use in preparing for a further advance. I confess I feel sick at heart when I see the utter indifference of the politicians to this question. The people at large are, as they almost always are sure to be, right in the main; and if there could be a vote taken on the question, I am sure the result would be all that the most sanguine friends of civil service reform ask. Unfortunately, the division of power is so complete here that in this case the initiative rests almost entirely with the legislature. We can only repeat over and over again, that there must be a reform in our civil service. We must stop making it a mere appanage of party politics; we must make some test by examination for those who want office, and when they get it they must be rewarded for good conduct by being retained and promoted. These are truths, but truths so commonplace that I am almost ashamed to be repeating them here; yet you know that they have been stated over and over again in Congress, and so far with success very little proportioned to the necessity of the case. The task we must undertake is to put all our best energy at work, both as individuals and as members of this Association, to secure such a measure of popular support and pressure as will most effectually enforce the passage of a good civil service bill.

But I have spoken of the question of appointment to office as if it were all that we wanted to change: it is the first step only, and that once taken, the others are sure to follow. The almost necessary result of appointment for merit is, of course, removal for cause; in other words, the office once got, it is to be kept during good behavior. Such was, as we all know, the whole course of the government from the administration of Washington to that of J. Q. Adams; and yet the subsequent change has become so much a part of our system, that people as well as politicians are inclined to look on it as one of the necessary results of our form of government. It really requires a moment's reflection to think of what would be the state of affairs, if we could rid ourselves once and forever of this fearful incubus, and return to the prac-

tice of better days. Who would be left to cheat at elections, to gerrymander in legislatures, to secure nominations at conventions, to do all the dirty work that has made party the curse, instead of the blessing of the country, if elections did not make and unmake party slates, and fill our civil service with men who are not so much incompetent as indifferent? In England the suffrage has been enormously extended, but I believe the civil service there has no vote; and yet, with almost unanimous approval, the final seal has been set upon the reform in the civil service by opening every branch of it to competitive examination. In France a revolution and a foreign war are at work in their worst forms, yet we have not heard of any changes in the civil service made with anything like the violence that accompanies one of our elections, in which the business of the country is made to suffer for the gain or loss of a horde of petty places.

It is hardly worth while, at this stage of the game, to stop and discuss the objections made to a permanent civil service; still some of them are so readily answered that it may be well to state them, for the sake of such an easy victory. In Germany, for instance, the Beamtenthum, the civil service, is charged with being filled with men who never change their career, and are spoiled alike for active employment in their own interest and for fair treatment of the outside world. Now, apart from the triumphant answer of the splendid service done by these very men in that hardest test, foreign war, it is safe to say that the men in this country who will shut themselves out of other careers for a lifetime, to devote their lives to the small reward of office here, must be a very insignificant minority, and there will be a large body always passing from the service of the government to that of other great employers, just as there already has been. No sooner does a man approve himself a good officer, than more quickly even than the changes of party or of mere partisan interest can drive him out, some watchful man takes him to the more grateful task of private enterprise. And as to the indifference of the lifelong officeholder to the interests of the government or of the people who have to deal with him, I think I am safe in saying that we are all ready to exchange the intolerant ignorance of the mere political appointment for the experience of an old official, and to take his manner as we find it. Even the Tite Barnacles of English offices have been swept away by that great machine, civil service examination; and as it has levelled down in England, so we may be sure that it will elevate in this country, if we can only

get it. Who knows but that what it is doing in the census bureau, for instance, may bring about the legislation which we asked for five years ago, and are asking for to-day ?

In Germany, the offices that constitute our civil service were largely the property of feudal lords and great landowners ; and, curiously enough, at the same time that the great reform in land tenures was made, and the predial slavery of the peasants was abolished, the civil service was reformed too. It was not until the final establishment of the existing German empire that the post-office ceased to be the private property of the Prince of Taxis, and even now his family draw a handsome salary from the revenues of the office. In France, on the other hand, part of the work of the revolution was a reform in the sale of offices, and still to this day many places are bought and sold as a matter of legal right ; even the judicial offices were made at one time a source of revenue ; and, as if to show how incongruous are the results of various systems, it is a well-established historical fact that the families of the robe, the owners of these legal estates, were the best and strongest opponents of royal tyranny and abuse. In England, the distribution of offices of a subordinate kind was one of the well-recognized means of parliamentary government, and it is nearly certain that among the reasons why Burke never became a great man in the government, was his energetic and successful effort to make a reform in this matter. It was under the influence of his earnest eloquence that our own first beginnings in a national government took the right direction ; and from the days of Washington to those of the younger Adams our civil service was permanent, and good, and useful in its sphere ; now it is the prey of men more unscrupulous than the followers of Walpole or Bute, it is the property of men more grasping than the French dealers in office, it is the stronghold of men more difficult to overcome than were the robber knights of mediæval Germany in their last defenses.

But, surely, if in other countries such a change was effected, we need not despair of success and reform here in the same direction. The German nobleman who used to control the local offices near his estates is very glad to get one of them now from the government, after thorough examination, and he knows that he holds it subject to the same test ; indeed, his relation to the government is not unlike the old feudal relation of lord and serf ; he gives up his life to the service, and in return he gets his own living, or, if he outlives active work, he gets his pension, and his family are provided for in case of his death. In France, the

families which owned some of the best places are now quite willing, nay anxious, to sink all political differences, and secure appointments in the administration. There is, too, a distinction between "government," that is, the thinking, guiding, and directing head, and "administration," the civil service, the acting hand; this is never political, and therefore the representatives of all the various parties in French politics, Legitimists, Orleanists, Bonapartists, Republicans, get and keep office, no matter who is at the head of affairs. In England, so thorough and effective is the change, that civil service training is part of the course now at the universities and at the public schools; indeed, while French and German theoretical legislators have been painfully discussing the best means of establishing special schools for civil service instruction, the good common sense of the English working politician has brought about the same result, by securing it as a part of the regular work of the great educational establishments, and in it we see just another proof of the old truth that the supply and demand question settles itself.

De Tocqueville still remains, in spite of many endeavors to displace him, the most philosophical observer of our system of government, and his two volumes are full of remarks on the crying errors in our civil service. What would he not say, if he could measure the fearful growth of this mischief in the period that has elapsed since his visit? One of his best aphorisms, perhaps, is this: "*L'état gouverne et n'administre pas;*" and another phrase is almost equally true: "*Les assemblées législatives engloutissent chaque jour quelques débris des pouvoirs gouvernementaux; elles tendent à les réunir tous en elles mêmes.*" His prophetic eye told with truth the story of the decay of our civil service: "*L'instabilité administrative a commencé par pénétrer dans les habitudes; je pourrais presque dire qu'aujourd'hui chacun a fini par en contracter le goût. Nul ne s'inquiète de ce qu'on a fait avant lui. On n'adopte point de méthode; on ne compose point de collection; on ne réunit pas de documents; la société semble vivre au jour le jour, comme une armée en campagne. Cependant, l'art d'administrer est à coup sûr une science, et toutes les sciences, pour faire des progrès, ont besoin de lier ensemble les découvertes par différentes générations, à mesure qu'elles se succèdent; un homme remarque un fait, un autre conçoit une idée; celui-ci invente un moyen, celui-là trouve une formule; l'humanité recueille en passant ces fruits divers de l'expérience individuelle, et forme les sciences. Il est très diffi-*"

cile que les administrateurs Américains apprennent rien les uns des autres. Ainsi ils apportent à la conduite de la société les lumières qu'ils trouvent répandues dans son sein, et non des connaissances qui leur soient propres. La démocratie, poussée dans ses dernières limites, nuit donc au progrès de l'art de gouverner." The reason why, even if bad men are found in office, they do less harm here than abroad, he says is because their interest is and must be that of the majority; but unfortunately we have discovered that the majority is not always right. One of the most effective things in the book is the chapter on "L'industrie des places;" and office-seeking never reached nor received more truthful and dignified treatment than is given it here. The description of the mischiefs that accompany it in a monarchy is exactly that which we have found to be so destructive of good government and political morality here, yet the French philosopher seemed to think that we were in little risk of ever getting to such a condition; and what he wrote, as the warning and result no doubt of his own experience in France, has shown itself in its worst shapes as the natural consequence and outgrowth of our indifference to the teachings of old nations and of governments that have passed through the same trials: where there has been reform, they have survived; without it, there has been revolution, often ending in destruction, always in lasting and self-inflicted loss of power and strength.

Now, what do we need to secure reform here? Simply enough pressure upon Congress to get a good law regulating admission to the civil service. Mr. Jenckes has the merit of having first broached the subject in the House, and he has followed it up year after year, each session showing a gain both in the number and quality of its supporters. Mr. Schurz and Mr. Patterson in the Senate have also proposed projects of laws: the one going over the same ground as that of Mr. Jenckes, the other limited to the diplomatic and consular appointments. In the hurry and pressure of other business, no final action has as yet been taken; but while legislation is still incomplete and inchoate, the partial solution of the question is being made. In the census bureau and in the treasury, admission was regulated by examination, and the result has been eminently satisfactory; in the coast survey and in the patent-office, the same rule has long been applied and with equal effect.<sup>1</sup> A very active and popular member of Congress

<sup>1</sup> The appointments to the legal offices and to the medical offices always require technical knowledge, which is tested by examination for admission to the bar, and for the degree.

from this city, Judge Kelley, accepted the nomination for another term, in a capital letter, on the condition of being free from the bother of applications for office, and on the ground of his anxiety to assist in securing civil service reform. He has been elected again, as he well deserved to be, by a large majority ; and he now goes to Congress, with the indorsement of one of the largest and most intelligent constituencies, fully up to the requirements of the case. In him, therefore, we may fairly count on a strong ally and support to secure prompt legislation. This is slow progress, perhaps, if every representative and every senator is to be gained to the cause in the same way ; but still it is progress, and in the right direction, too.

After all, however, we must not forget that this proposed legislation is only a means of returning to the original condition of things ; no such legislation was needed down to Jackson's time, because no such abuse existed to be corrected. In England, the initiative was taken by the government, and it was not until the effort was found successful that it asked and received the sanction of Parliament. The last and largest measure of reform, opening all the civil service to competitive examination, is the act of the government, — that is, of the administration, as we should call it, as distinguished from Congress ; and here, too, the same remedy might be applied, in the same way. If, to-morrow, General Grant should order the examination of all the officers within the scope of the proposed reform ; or if he should say, by circular to the head of each department, that every vacancy should be filled only upon the report of an examination, and that the examination was free to all who chose to present themselves, half the battle would be won. He would, of course, have to meet the hostility of all the working politicians, who live on the trade in offices ; but on an appeal to the people, with all the advantages of full information on the subject, he would be secure of a renomination and a reelection by a strength of numbers that would forever set the seal of condemnation on the evil system against which we are fighting. It would be fighting the politicians with their own weapons ; and, powerful as they are, how much more strength there would be in them, when office is put to a good use, made the reward of honest merit, fairly tested, and secured by probation and promotion, so that there would be a career for all who

of M. D. Everybody, even congressmen, must see that this is right and proper. Why, then, should the proposition to extend the rule and make it universal and not exceptional, for all appointments under government, be so difficult to adopt by suitable legislation ?

enter the civil service, and that civil service is redeemed and restored.

Henry Taylor, one of the most thoughtful members of that excellent body, the permanent English civil service, thus spoke of it before it was reformed: "This, then, is the great evil and want: that there is not within the pale of our government any adequately numerous body of efficient [*men in office*,] some to be more externally active and answer the demands of the day, others to be somewhat more retired and meditative, in order that they may take thought for the morrow. How great the evil of this want is, it may require peculiar opportunities of observation fully to understand and feel; but one who, with competent knowledge, should consider well the number and magnitude of those measures which are postponed for years or totally pretermitted, not for want of practicability, but for want of time and thought; one who should proceed with such knowledge to consider the great means and appliances of wisdom which lie scattered through this intellectual country, — squandered upon individual purposes, not for want of applicability to national ones, but for want of being brought together and directed; one who, surveying these things, should duly estimate the abundant means unemployed, the exalted ends unaccomplished, could not choose, I think, but say within himself that there must be something fatally amiss in the very idea of statesmanship on which our system of administration is based, or that there must be some moral apathy at what should be the very centre and seat of life in a country like ours."

Whatever may be the immediate effect of the movement for civil service reform in the United States, there can be but one ultimate effect, and this the achievement of the reform. We may be disappointed in the course of our executive; we may be exasperated by our legislature; we may be tried and cast down by the indifference or the inaction of the people. But there are public as well as private men who have fastened upon this reform, and the duty of laboring to bring it about is coming nearer home to all who believe that there is hope for it. Of such only can this Association be made up, and for them I have spoken.

#### NOTE.

Since this paper went to press, we learn that Congress has appropriated \$10,000 to enable the President of the United States to institute boards of examination or other measures for carrying into effect



the clause of the Appropriation Bill by which the last Congress authorized him to begin upon the reform of the civil service. It was printed in the third number of this Journal. The President is described as determined to employ the power with which he has thus been vested. The best wishes of the nation go with him; yet he can but begin the work. It will not be completed except by more general and authoritative action on the part of Congress.

## INTERNATIONAL INDUSTRIAL COMPETITION.

READ AT THE GENERAL MEETING, PHILADELPHIA, OCTOBER 27, 1870. BY JOSEPH WHARTON.

"Krieg, Handel, und Piraterie,  
Dreieinig sind sie, nicht zu trennen." — *Faust*, Part 2, Act 5.

THESE words, put by Goethe into the mouth of Mephistopheles, express what I think has been too much overlooked by many writers upon the subject of International Commerce, *i. e.*, the essentially antagonistic nature of trade. It has been too much the fashion to omit from consideration those aspects of the case which become apparent when the several nations are regarded as competing organisms, each of which struggles to better its condition both absolutely and relatively to the others, just as each individual of a community strives to rise in the social scale.

Much is said, upon the one hand, of the higher wages which the protective system affords to the producer; and, upon the other hand, much concerning the cheaper goods offered to the consumer by unshackled commerce; but if either the free-trader or the protectionist could prove to demonstration that his policy insured to either class a larger allotment of personal comforts during the current year, with a larger surplus at its end, than under the opposite policy it could enjoy, the question as to which course is most expedient for the State would by no means be exhausted. The statesman must look beyond individuals or classes, and beyond the immediate present; not content with noticing that certain parts of the body politic are properly nourished, he must see that the body as a whole possesses vigor and symmetry; that development and robustness attend upon nutrition; that the whole organism enjoys fair play and good guidance in its strife with similar artificial bodies, and above all, that its present course is leading on to future health and power.

The advocates of unrestricted commerce in particular seem to me to disregard too much the existence of nations, and to look upon men merely as individuals, each of whom is to take thought of his present and particular welfare alone, unmindful of his nation, for the collective and future well-being of which no one is to care.

The Manchester school of political economists persistently entreat mankind to regulate their commercial affairs upon the assumption that the entire race of man is but a band of brothers, who, though they may be accidentally gathered into groups designated by the "geographical expressions" United States of America, England, France, or the like, and though they may be so devoted to their respective groups as to fight desperately upon occasion for the defense or aggrandizement of them, are yet, so far as so-called peaceful intercourse is concerned, really a single family, and ought in all that relates to trade (that is, in nearly all whereby in ordinary times the nations act upon each other) to disregard this national grouping. The common interest of mankind would seem, according to this school, to require that since such groups do exist, one of them should produce food, and another cotton or wool, while a third should make tools or clothing, and that the individuals of each of the groups should expend much of their energy in carrying their several products across land and sea to trade them freely with members of the others.

Would such universal and unrestricted trading and division of labor among the nations be founded upon the deepest instincts and interests of our race, or are they so contravened by ineradicable human characteristics that the desire for them is merely sentimental and illusory?

These questions cannot be properly answered without consideration of many collateral points, and particularly, I think, of the following:—

I. Is it intrinsically right for persons to form themselves for mutual aid and comfort into nations, preferring each other to strangers, carefully hedging themselves about, and jealously guarding their territory, their separate and peculiar institutions, and their own modes of life? Or should all barriers be broken down, and mankind be obliged to fuse and coalesce into a single mass?

II. If the grouping into nations be permissible, is it right for each nation to endeavor to be self-centred, self-supporting, complete, and independent as to material wants, or should certain of them be permanently subjected to others by dependence upon those others for articles indispensable to human well-being or comfort, which they could themselves produce?

III. If, again, men may properly form nations, should the several governments thereof take cognizance of trade between their respective populations, regulating the same as each may see fit, or should they limit their action strictly to internal affairs,

absolving their subjects from allegiance, and imposing no conditions upon aliens, in so far as trade is concerned?

IV. Supposing that a nation, allured by the abstract beauties of the universal brotherhood theory, or by promises of pecuniary advantage, should legislate to treat citizens and aliens alike in matters of trade, but should find that by the hostile industrial organization of other nations its markets were overloaded, its workmen thrown out of employment, its money drawn away, its finances crippled, and its independence endangered. Ought that nation still to continue in the policy of defenseless confidence, or ought it, if yet retaining vitality and courage enough, to protect itself from such trade invasions by fitting legislation?

V. Supposing the right of a nation to be undeniable as regards other nations to protect itself by any expedient devices from spoliation through trade, has its government the right, as between its own citizens, to aid some at the expense of others, in order that the whole nation may attain greater vigor, completeness, power of self-sustenance, and independence?

VI. Is there, on the other hand, any obligation on the part of a government towards its citizens, to give all necessary aid and support, at the common cost, to such as are laboring to expand its resources, extend its industrial domain, and fortify its independence?

VII. Is the common good of mankind promoted by an enormous transportation of raw material from the ends of the earth to a few spots, there to be manufactured, and the finished products in part transported back again; thus establishing among the nations something similar to the division of labor which is advantageously practiced among individuals?

VIII. Does the "laissez faire," or let alone doctrine, which some sociologists insist upon as the law of nature, and as the correct rule for international trade, inculcate a really sound policy for the guidance of nations in their dealings with each other?

*First.* As to the right of mankind to form nations. This head might almost be dismissed from consideration with such adages as "whatever is, is right," or "vox populi, vox Dei," were it not that the basis of the whole question lies here, and that we must on that account pause here long enough to be quite sure of our foundation. Such difficulty as this topic offers is akin to the difficulty of proving that lead is heavy, or that it is wrong to tell lies, so near is it to being one of those ultimate facts which appeal directly to the sensual or moral perceptions. We know as distinctly as we

know anything, that men everywhere, and in all ages, invariably have formed and do form themselves into groups of greater or less magnitude and compactness, the individuals composing which voluntarily surrender certain portions of their substance, their time, their efforts, their free will, in order that they may derive from the community to which they belong a share in the advantages conquered by it from nature or from rival communities, settled relations towards the various individuals of their own group, and protection from the aggressions of others.

It would be easy to run through a catalogue of the various sorts of societies into which men at various times have formed themselves. If examples were asked for of men living in contiguity, without in some manner associating themselves together, no better instance could be offered than the Patagonians, the Esquimaux, or other semi-brutal people, whose loose and low organization is but one part, whether cause or effect, of their low status of humanity ; these seeming exceptions thus clearly proving the rule.

It is to be observed that the degree in which the individual voluntarily surrenders or modifies his original rude independence, increases with the completeness of the organization to which he belongs ; in the case of such complicated structures as the great civilized nations of modern times, he is compelled or restrained in every function and at every moment, in order that the great organism of which he is an almost imperceptible constituent may thrive, or that it may move in such course as seems at the moment most advantageous to the whole mass. Commensurate, however, with the completeness of the surrender of personal independence to the well-ordered State, is the completeness of the advantages, the security and the enjoyment which the individual derives and has the right to demand from the State ; the net balance of advantage to the individual so certainly increasing with increased perfection of organization, that this latter is constantly striven after, and is completest when mankind have reached the highest types. Mere attraction of cohesion exists wherever men come into contact ; the finer and more powerful social forces comparable to affinity and crystalization, exert themselves in proportion as the societary atoms are more refined, yielding sometimes such results as Roman law or Grecian art, and leaving us to hope for still more splendid growths in the future.

Seeing thus that men always do group themselves into tribes and nations, that no people thrive or attain eminence who have not keen and strong instincts of nationality and organization,

that those nations, such as the ancient Romans and modern Prussians, who possess those instincts in the highest degree, grow and bear sway, while those others whose societary instincts are weak, such as the ancient Parthians or modern American aborigines, dwindle away in spite of individual prowess, that our best hopes for the future of the race are founded on the perfection of artificial society—seeing all this, we may surely take it for granted that the tendency of men to form nations is ineradicable, and is right.

The suggestion of the other extreme, that all mankind should coalesce into a single universal band or nation, is sufficiently disposed of by the reflection that certain limits are well proved by all experience to exist, beyond which the centrifugal forces exceed the centripetal; that all the vast empires have at last perished by reason of their too great expansion, and that not even the strongest organizing and controlling genius is sufficiently powerful to hold permanently together, and to restrain from the attractive force of rival centres, masses of people whose climate, language, habits, and religion too greatly differ.

The principle of that school of economists which treats of mankind as forming one great brotherhood, with common interests, however noble it may appear in the abstract, must therefore, in the present condition of human nature, be regarded as utopian and visionary. When every man shall love not only his neighbor, but also his rival or enemy, as himself, it may be received as the guiding principle of statecraft, but in the existing state of humanity it cannot be considered as more than the dream of amiable enthusiasts.

We start, then, with the premise that mankind are of right, always have been, and always will be, gathered and separated into nations, with strong cohesive and organizing internal force. To this we may add, that all history is a reiterated and cumulative demonstration of the fact that the rival nations are animated by strong antagonisms and competitive feeling toward each other.

*Secondly.* In treating of the rightfulness of a nation's attempting to reach independence and self-sufficiency (in the original and better meaning of that term), to become *totus, teres, atque rotundus*, I again encounter the embarrassment of having to set forth a truism, so instinctive and spontaneous is every one's conviction that his nation, at least, must strive for such independence.

The power of a nation to improve and perfect itself as a single

organism or creature, inheres in mankind as a consequence of a human trait which separates man widely from all other animals. While a group of the lower animals is but a *grex*, and is but a numerical expansion of a single specimen,<sup>1</sup> so that when one rabbit burrows, one buffalo grazes, or one wolf hunts, a dozen or a thousand rabbits, buffaloes, or wolves can but burrow, graze, or hunt; a group of men, on the contrary, shortly parcel out among themselves the various functions needful to make not only a coherent but an organic whole — a complex congeries of inter-acting members, working together like the several parts of a machine to produce results utterly unattainable by any individual, and the ultimate capabilities of which, after all the noble achievements of the best organized communities, are yet to be discovered. The possession of these wonderful powers implies the duty of exercising them — of forming, developing, and perfecting nations.

A broad distinction is however presently apparent between large and small nations as to the degree of completeness and independence attainable, and among the smaller nations, between those which are contentedly small, and those which have the intention of becoming large. The small nation, such as Switzerland or Denmark, which has but a slight range of habitable climate, and consequent slight range of organic products; from whose territory nature has withheld many of the minerals that, like coal and salt, are themselves indispensable, or, like the metallic ores, yield indispensable substances; and which is surrounded by nations so great and powerful that expansion is not to be thought of, — such nations may perforce be obliged to content themselves with an imperfect development, and with perpetual reliance upon foreigners for very many of the necessities of life. If they are wise and diligent, they will however attain as complete material independence as their straitened circumstances will permit; they will, so far as possible, make domestic substitutes answer instead of foreign desiderata, and must at last find or create means to make themselves in some way as essential to their neighbors as those nations are to them, thus winning by trade what nature denies to them.

Very different is the case of those great and favored nations whose domain embraces nearly all soils and climates, and contains all or nearly all the useful minerals. They, endowed by nature with every capability for attaining the full stature of manhood, are

<sup>1</sup> To the objection which may be suggested that bees or ants form something like organized communities, it may suffice to reply, that when such communities are formed their integrity is most jealously guarded, to the extent of absolute non-intercourse with any similar community.

derelict if contented with anything less than perfect symmetry and the most complete self-sufficiency. Holland, Switzerland, and France may be forced to buy, and be absolutely dependent upon foreigners for, iron, coal, and copper, respectively; England may be similarly dependent for sugar or tobacco, and Cuba for flour; but there are great continental nations which are not so cribbed, cabined, and confined. No folding of the hands in hopeless submission to the hard limitations of nature is permissible in their case at least; having all climates, all soils, and all minerals, any failure to supply all their wants, and thus to earn an existence independent of the good pleasure of any foreign power, would be inexcusable. It may at last be true, as was said by Gortschakoff, that "Russia and America are the only nations whose grand internal life is sufficient for them;" but if these two really stand in such lofty isolation, the less excuse has either of them for relying upon the mercenary and precarious support of a competitor.

Even if no nation whatever is absolutely able to satisfy from its own products all the artificial wants of the present day (some of which wants, like those for French fashions, are purely factitious and excited by ingenious people for their own gain; while others, like those for coffee, tea, and spices, would seem to be imperative, did we not know that all the generations of our ancestors except some of the latest, had lived without them), and if there are but few nations which do not need to look beyond their borders for some of the real necessities of modern life; still, each one according to the measure of its capacity is bound to strive for completeness, for symmetry, and for independence just as each man is bound so to strive. Self-preservation clearly requires every nation to be as complete, as sufficient unto itself, and as little dependent upon its neighbors for the means of continued existence, whether in peace or in war, as its national circumstances will permit. No crutch or prop can fill the place of sound limbs of one's own, such as come by honest toil, and no facilities of foreign trade can stand to a nation instead of sound internal development and self-sufficiency.

*Thirdly.* Some may think that before attempting to show the right of a nation to regulate the dealings of its citizens with foreigners, the right should be shown of any human authority to interfere in any manner between two individuals desiring to trade together. Without wasting much time upon this abstraction, it may suffice to point out that interference in these matters is one



of the inevitable constraints which every member of a civilized community undergoes.

Not only are certain sorts of trading quite forbidden, as that in lottery policies or counterfeit money ; others carefully limited, as that in poisons, gunpowder, or intoxicating liquors ; and others promoted, as when government aids in building roads and canals to bring grain to market ; but generally, by taxes upon sales, by stamps, or otherwise, government not only interferes between parties trading, but actually compels them to pay for the privilege of exercising under her protection in a perfectly legitimate manner, what some champions of unrestricted trade consider a most indefeasible natural right.

The right of a nation to regulate its foreign commerce is attacked by only a few visionary social philosophers, the same who declare that all custom-houses and all checks upon trade should be swept out of existence ; still, since there is a certain vague seduction about the phrase "freedom of trade," and since any cry often enough repeated becomes at last with some a point of faith, it may not be wholly useless to bestow upon this specious doctrine a brief consideration. It attacks, we must remember, not only the policy but also the right of a nation to regulate its foreign commerce ; the gates must be flung wide open with absolute freedom to all. In the eyes of its advocates, that most potent of commercial regulations, a tariff, is an "iniquity," "an infamous tax," "an odious monopoly," and they proclaim it to be moreover a mere modern outrage unsanctioned by the example of such ancient nations as Greece or Rome.

In considering this clamor, one's first reflection is that every nation — enlightened, civilized, half-civilized, or barbarous, as the old geography classification has it — every nation or people in fact upon the face of the earth but the absolutely savage, does most carefully legislate concerning its foreign trade, imposing thereupon just such conditions as to it seem meet and conducive to its own peculiar interests, except that in the cases of certain nations already feeble and growing feebler, the conditions are to some extent dictated by other and more powerful nations for their own gain. How insignificant was the wrong-headedness of the eleven obstinate jurymen, whom their colleague besought in vain to yield their convictions to his views, in comparison with this fatuity of the entire human race, which a philanthropic little party with goods to sell is now undertaking to dissipate !

A second reflection shows that without regulating its foreign

commerce, no nation can regulate its internal affairs, or in fact can long subsist; for in these days all the industries and finances of a country are so connected with its foreign commerce, that to abandon control of the latter, is to abandon control of all the country's material interests, and to allow them to be managed by the enterprising foreign trader. There is no more marked line of nationality than the customs cordon, and the tendency of customs' frontiers to become national frontiers is well illustrated by that abolition of the semi-independence of the old French provinces and of their inter-provincial tariffs, which created a solid and powerful France, and by the formation of the German Zoll-Verein, which has before our eyes transformed the disjointed little German nationalities into a compact colossal Germany. This method of national aggregation has, however, like all others, its limits, such as have been already adverted to. It is idle to cite, as is sometimes done, the examples of ancient nations against this universal modern practice of regulating foreign commerce by legislation, for we must remember that in the good old times a nation coveting its neighbor's goods took them by the sword rather than by trade. To crush by direct invasion with armies superior in numbers, organization, or armament the resistance of a conterminous power; to take by direct plunder whatever seemed worth the carriage; to remain permanently in the land, enjoying it as its lords; to exact by direct tribute all that could be extorted, — these were the simple processes by which in ancient times the stronger or more cunning nation dealt with the weaker. But the fashion of the times has so greatly changed that the employment of these rude agencies is now exceptional, and the efforts of nations nowadays to overcome and despoil each other are conducted by methods ostensibly more peaceful, though really not less efficient.

Since then it is by trade usually, and by war but occasionally, that one nation now assails another, the defenses of nations must necessarily be adapted to the occasion, and a tariff can baffle and defeat the foreign plunderer of these days better than a fort. A modern nation may be likened to a modern citizen, who seldom has occasion to make heroic defense of his hearthstone, sword in hand, but who finds it highly expedient to keep a watchful eye upon the current expenses of his family, and see that they do not exceed the collective family earnings. Armed force lies it is true behind the tariff law, ready to enforce it against the contumacious, just as any other law is in the last resort made valid, but who can adequately depict the immense improvement of society indicated

by the substitution of a regular and smoothly-working tariff, for the wild and hasty levy of troops to resist a foray? It is in short absurd to entertain the idea either of abandoning all national defense, or of abandoning the modern style of defense for the ancient.<sup>1</sup>

*Fourthly.* Our supposititious case of a nation confidently stepping into the arena of the world's trade battles, to fight with the gladiators there, herself unshielded and imperfectly armed, is not without foundation in fact, and though history has not always condescended to narrate the results of industrial and commercial policy, the comparatively recent examples of Portugal, Turkey, and India show clearly enough the results of such a course. Each of these nationalities, once powerful and haughty, has enjoyed under English auspices a full development of the freest commercial intercourse, particularly with England herself, the great apostle of free trade, and each of them is now a pitiable illustration of how free trading like free fighting simply means the defeat and ruin of the weaker or less skillful party. Even our own nation, whose birth as an independent power was greatly owing to the determination of her people not to be forced to trade with the mother country upon terms of England's setting, has since at several times yielded to the latter's blandishments, and, blinded for a while by the lusty vanity of youth, has undertaken to cast aside her shield, and wage industrial warfare unprotected; the result having upon each occasion been our discomfiture, and forced retreat to our tariff defenses.

I know that some theorists still maintain the doctrine that

<sup>1</sup> It might, at first sight, appear that since both the Athenians and the Romans practiced the collection of import duties upon foreign goods entering their territories, these remarks upon the contrast between the ancient and modern styles of international attack and defense are inappropriate, and that any notice of the cavils of those who declare tariffs to be an abominable invention of recent times should be confined to simply showing that they were habitually used by the most enlightened ancient nations.

I have, however, chosen rather to assent to the assumption that tariffs such as ours were unknown to the ancients, and thence to draw the above-mentioned contrast, because, in point of fact the ancient import duties differed radically from those of our day, both in their application and in their motive.

Without entering fully into this subject it must suffice for the present to observe: 1. That the tariffs of both Greeks and Romans applied not alone to merchandise entering Attica or Italy from the territories of alien powers, but also in exactly the same degree to goods entering those countries from their own contiguous provinces or outlying colonies. 2. That certain favored classes were allowed to import goods duty free, and certain ports were allowed to retain for their own use a part or the whole of the duties they collected. 3. That no vestige is discernible in those tariffs of any intention to foster home industry, to thwart the attacks of foreign industry, or to create a favorable balance of trade; their only motive was the raising of revenue.

there must be mutual profit in trade, and that every bargain is presumably beneficial to both parties, since each enters into it voluntarily. Apart, however, from such glaring exceptions as the case of a rumseller and his victim, or the kindred case of England's opium-selling to China, we constantly see how the more crafty or cultivated party lures the simpler and ruder to exchange the solidly valuable result of much toil for useless trifles, as when the trader induces the savage to part with his gold and ivory for a few beads, or when France deals with America; and again we see how the establishing of a quasi monopoly of necessary commodities through earlier development, enables one party to constrain the other into dealing with him upon his own terms until the monopoly can be broken by building up competition, as when but a single machine-shop exists in a region full of factories, or when England undertakes to be the workshop of the world.

Even when a trade actually and permanently benefits both parties, it is entered into by each, not with any thought for the good of the other, but for his own private advantage and emolument. It cannot be too strongly stated or too clearly understood that the end and aim of trading is booty, and that its principal weapons in our times — its huge and formidable engines of war — are the great establishments of industry and credit; the factories and the banks. The nation which can bring an opponent fairly within range of this artillery, and open its batteries upon him, silencing his guns if he has any, must effect his subjugation; mere vast preponderance of numbers cannot prevail, as India sufficiently demonstrates. When a modern nation is resolved to despoil another through trade, if the antagonist retires within walls of ancient isolation, as for instance the Chinese, he must first be drawn like a badger; if he struggles and rebels, as for instance the Irish, he must be scourged and bound, and his weapons, the factories, thoroughly destroyed; if he is formidable by absolute force of brawn and brain, and is fortified by walls of legislation, as for instance the United States, he must if possible be cut into mutually hostile fragments, or, that failing, must be cajoled into internal jealousies, and into breaking down his laws, thus exposing his forces unprotected to be defeated in detail.

I have said that the United States has sometimes been so deluded as to believe that fair and profitable commerce could be openly conducted with England, but that on each occasion the attacks of English trade were so fatal that we were driven within our barriers, there to refit our weapons and to gather strength

and vain confidence for another sally.<sup>1</sup> Our merchandise markets have been crowded with the products of English mills, furnaces, and factories, destroying our natural and healthful internal circulation, the demand for and distribution of similar domestic products; our money markets have then been driven into panic and collapse by the calling home to England of specie to pay for her products; our factories have through these means been sold by the sheriff into unskillful hands, and our banks taught to extend only the most timid, momentary, and vacillating aid to manufacturers.

To protect ourselves for the future against the assaults and invasions of foreign trade<sup>2</sup> under which we have so often suffered and smarted, we have built up such fortifications as commend themselves to the best judgment of great majorities of our population, and similar to those which have been shown by the experience of other nations to be suitable. It is for doing this that our chief antagonist mocks us as heathen, sends missionaries to our people, and preceptors to our legislature, affecting a well-bred surprise that we are not yet convinced either of our having no right to protect ourselves or of our mode of self-protection being inexpedient. The example of our own trade has here been dwelt upon as illustrating more clearly than abstract arguments could do the general truth that there is "no friendship in trade," that the nation which thinks otherwise, and acts upon a generous confidence in human nature, fares no better than an individual who deals upon similar principles, and that self-defense is imperative.

*Fifthly.* The right of any organism to live, grow, and perfect itself carries with it the right to do every act which, according to its lights, conduces to those ends. The powers and rights of internal government, of reward or punishment, of stimulus or suppression derivable from the general right and consequent duty of

<sup>1</sup> In 1801, when a treaty of peace was concluded with England, Cambacères said, "Now we must make a treaty of commerce, and remove all subjects of dispute between the two countries."

Napoleon replied, "Not so fast! The political peace is made; so much the better. Let us enjoy it. As to a commercial peace, we will make one if we can. *But at no price will I sacrifice French industry.* I remember the misery of 1786." — *Table-talk and Opinions of Napoleon Bonaparte*. Sampson Low, Son, & Marston, London, 1868.

<sup>2</sup> How great is the booty taken from us by our foreign trade may be partly gathered from the fact that \$1,000,000,000 of United States government and other bonds and stocks and private debts are now held against us in Europe, concerning which a mercantile correspondent of the *New York Express*, a free-trade paper, writing on the subject of finance, says that "of our whole indebtedness to foreigners we have not received one dollar in money; every dollar of it was a contribution to foreign industries over and above their contribution to ours; and not only so, but besides all this, we have paid them some eight hundred millions in gold since the beginning of the century."

self-development, are of similar validity to those which are imputed to governments from the war power, but are of wider range. They cannot be limited or strictly defined.

Among the rightful powers of a lawful government over its citizens are certainly included not only the right of general and uniform taxation, but also the right specially to tax certain classes or occupations, and to pay bounties to others for the public good as that may be apprehended at the time. Among such special taxes are those known as excise, while familiar instances of the direct payment of money derived from taxation to certain special classes for their supposed usefulness to the community, are afforded by the army and navy, by surveyors and scientists in the public service, and in some countries by the clergy or priesthood.

If a nation through its lawful government should decide that its security and future prosperity require it to avail itself of its own resources for its needful supplies of iron, sugar, cloth, or salt, and should think it expedient for the sake of attaining that end to levy a direct tax upon all its citizens and pay the same to its producers of iron, sugar, etc., its right so to legislate could not be denied, no matter how much the aptness of the means to the end might be doubted, or how certainly the overthrow of the system by reason of popular discontent might be predicted. Governments, however, practically seek the mildest and most equitable modes of operating for the common benefit, and can in most cases sufficiently stimulate the efforts of their citizens towards a national desideratum, such as the production of an article indispensable to the national existence, by merely guaranteeing to those individuals who will undertake to devote their energies and means to the task, that they shall not while engaged therein be assailed by any other competition than that of their fellow-citizens. Even this expedient of prohibiting foreign competition is in practice seldom or never resorted to, since merely to levy upon the foreigner for the benefit of the State a tax bearing some relation to those taxes which are imposed upon the native, usually proves sufficient; the measure of that tax upon foreigners being the point at which it is estimated, or found by experience, that sufficient domestic energy will be directed into the desired channel.

It is particularly to be observed, that the chief effect of such enactments is after all not upon the individuals at present engaged in any specified pursuit, but rather upon the larger number whose course thereafter is determined to the needful industry by the enactments; and also that those latter come at their own good

pleasure and election from the great mass of the people to try their fortune under the new conditions publicly established for all. That nation acts, however, most prodigally and absurdly, which, after having by its legislation invited its people to undertake certain pursuits requiring large capital and long training, suddenly or greatly alters the established conditions to their disadvantage, thus leaving a considerable portion of its own flesh and blood and substance to perish. The shocks and vicissitudes which must at best be encountered are enough, and the government should endeavor rather to diminish or counteract those inevitable adversities than to increase them; studying always to avoid abrupt changes, and to make with as equable a movement as possible those alterations which experience shows to be fitting.

The patent laws of this country and of most others illustrate clearly enough the right and power of a government to do those things which in tariff legislation are often pointed at as the most unjust and odious. While tariff laws afford only measurable advantage to those who pursue a certain industry, patent laws establish an absolute monopoly; while tariff laws merely set up barriers against the foreign rival, patent laws shut out all, both fellow-citizen and alien; while a tariff law endures no longer than until the temper of Congress changes, or until foreign or domestic influence can be invoked strong enough to bring about a real or factitious adverse public opinion, a patent under our laws holds good absolutely for the definite period of seventeen years. That the objects to be gained by the operation of the patent laws are more desirable or more palpably for the public good, as contrasted with advantage to individuals, than those attained by protective duties, will hardly be contended by any who examine the subject dispassionately. The objects of both are in fact to a great extent the same, being the development of national wealth and strength. The means by which the two classes of laws operate are likewise similar, namely, the offering of inducements to individuals to undertake the needful studies, toils, and risks, by the premium of certain immunities or advantages in case of success. Every feature in the tariff laws which could be attacked as oppressive to the public, as militating against natural rights or as creating monopolies, exists also in the patent laws. If tariff laws are objected to as virtually debarring from certain occupations all but those who enjoy accidental superiority by possessing the domestic supply of the requisite materials, patent laws often shut out the public from entire fields and ranges of investigation and experiment, as well as of industry,

by the exclusive rights they grant. The tariff laws operate most powerfully and directly to bring to our shores multitudes of the most desirable immigrants, while the patent laws have but a very slight and remote effect of that nature. Is it not passing strange that, notwithstanding all this, the principle of our patent laws is almost universally acceded to, while the clamor incited by foreign manufacturers against the principle of our tariff laws finds (mainly, to be sure, among the ignorant) so many credulous listeners.

*Sixthly.* No nation can long subsist unless its government has power to compel the support of its subjects or citizens. A nation is not a mere loose aggregation, the obedience of whose integers may at their own good will and pleasure be refused, for although voluntary choice of the individual citizen or of his ancestors may have been the primary cause of his belonging to his actual nationality and of his subjection to its laws, no fresh exercise of his simple volition can now absolve his allegiance, except the final one of expatriation and surrender of nationality.

Being thus liable to compulsory support of his government, as by taxes, military service, jury duties, etc., the citizen has an indefeasible right to be cared for, protected, and defended by his government. In other words, the principle of mutuality holds between government and citizen as it does in the case of all other compacts; and proportionally to the degree in which individual rights are yielded up or modified, are governmental obligations towards individuals increased. The force and scope of these obligations are, with the advance of civilization, generally becoming more thoroughly acknowledged. Not only must a government at the present day maintain an army and navy to prevent or repel invasion, but it must uphold internal order, by means of police and courts, must encourage, if it does not directly sustain, educational and religious systems, must adopt suitable sanitary measures, and in general do for the common benefit all that requires for its performance the collective effort of the whole community. The question as to the claim of the good citizen for the protection of his government is thus obviously a question of kind and degree, involving merely his right to that specific sort and amount of protection which he may at the moment require; and it is obvious again that the duty and no less the interest of the government are in this respect so broad, that no limit within its powers can be set to either, but the permanent well-being of the aggregate mass.

Of all the duties of a government towards its citizens that of repelling invasions is probably the first and most indispensable.



It must secure them in the peaceful enjoyment of their homes, and in the pursuit, undisturbed by foreign enemies, of the industries whereby they live. Doubtless, any country may be temporarily invaded, but that government which proves unable to resist such intrusions, gives place inevitably to another which, it is hoped, may do better. Finally, if a nation yields to reiterated invasions, they take the character of occupation, and the nation itself succumbs — perishes as a nation, — becoming incorporated with the conqueror, or entering by fragments into other organizations.

In the present day, however, a most insidious and destructive form of invasion is practiced, whereby not the foreign enemy *in propria persona* comes to kill and destroy, but the products of his labor, put into such a form as to draw away from the native that demand for his products, and that nutriment those products should earn for him, upon which his existence and that of his family depend. The foreign legions are trained to attack by missiles launched from their far-distant mines, mills, and factories, and their attack has often devastated homes and districts, and broken up industries as effectually as if the conquest had been effected by war-like weapons. Against such invasions a government which expects to survive is surely bound to afford due protection to those diligent and skillful citizens, its artisans and industrial producers, who are the right arm of its strength. The objection that this argument does not apply to the great class of agriculturists is unsound; for the farmer cannot eat all his corn and turnips, and he must have cloth and tools. He needs prosperous artisans by his side to consume the one and furnish the other, in default of which his crops must rot or be sold abroad for a trifle, and his wants, other than for food, must remain unsatisfied or be supplied by foreigners at a cost in the end ruinous. The farmer's products are in many cases directly protected from the indirect invasions I have named, but even were this not so, he is protected when the miner and manufacturer are protected.

Here I might with propriety, if space permitted, offer proof that suitable protective tariff laws are no burden upon any part of the community, but operate to the benefit of consumers, by ultimately cheapening as well as multiplying products; but this has been so frequently demonstrated, that another repetition may well be dispensed with. Upon the question whether the import duty exacted upon foreign goods is paid by the consumer or by the foreign producer, the "London Economist," a free-trade journal of

high rank threw much light, when in commenting upon the alterations in the treaty between China and England lately negotiated by Sir Rutherford Alcock, it objected strenuously to the increased duty upon opium, which was one of those alterations. That increase, the "Economist" declared, would stimulate the cultivation of opium in China, and would oblige the English opium-growers of India to meet the increased domestic supply in China by a reduction in price corresponding with the increase of duty.

J. Stuart Mill finds a curious indirect benefit from tariffs. He says (*Principles of Political Economy*, p. 405):—

"It may be laid down as a principle that a tax on imported commodities almost always falls in part on the foreign consumers of the commodities exchanged for them, and that this is a mode in which a nation may appropriate to itself, at the expense of foreigners, a larger share than would otherwise belong to it of the increase in the general productiveness of the labor and capital of the world which results from the interchange of commodities among nations."

The measure of protection against foreign trade invasion is stated at its lowest terms by the "*Moniteur Industriel*," an organ of the French industrial classes, when it demands that upon all products of foreign labor which compete with those of France, import duty shall be levied equivalent to the total of taxes and imposts of all kinds which the French laborer or artisan is required to pay to his government while engaged in the production of similar commodities. This claim, that their government shall not discriminate against them by exonerating their competitors from burdens which it imposes upon themselves, evidently does not cover the extent to which a citizen may in case of need rightfully expect industrial protection.

Among the cases where the claim to a higher degree of protection is valid, may be named: 1. When a desirable industry is to be transplanted and naturalized, involving unusual outlay and risk to the adventurer. 2. When the scale of wages is higher in the country under consideration than in its rival.

Melchior Gioja, who has been called the Colossus of political economy in Italy, lays down a doctrine as to the first of these cases which goes far beyond mere protection by tariff laws. He says:—

"The influence of government is useful . . . in the concession of public aid by money or credit, to enterprising and capable men introducing new branches of industry, either with or without interest, or upon long terms of payment."

J. Stuart Mill says more moderately on this point :—

“The superiority of one country over another in a branch of production often arises from having begun it sooner. There may be no inherent advantage or disadvantage on either side, but only a present superiority of skill and experience. A country which has this skill and experience to acquire, may, in other respects, be better adapted to the production than those earlier in the field; and besides, it is a just remark, that nothing has a greater tendency to produce improvement in any branch of production than its trial under a new set of conditions. But it cannot be expected that individuals at their own cost should introduce a new manufacture, and bear the burdens of carrying it on until the producers have been educated up to the line of those with whom the processes have become traditional. A protective duty, continued a reasonable time, will sometimes be the least inconvenient mode in which a country can tax itself for the support of an experiment.”

The second case must naturally often exist, for, it is impossible that a day's labor will command the same reward in all parts of the world (whether payable in gold or wheat or cloth), without regard to the density of the population, the abundance of the medium of payment, or other varying circumstances. Either then the nation which is so circumstanced as to pay high wages to its laboring people must protect their wages by a commensurate tariff upon foreign products competing with theirs, or it must consent to be debarred from engaging in many of the most necessary occupations, which is absurd. M. Thiers tersely expresses the true principle thus: “Among the most sacred rights is that of the labor of a country to its own markets.”

*Seventhly.* Transportation of materials or of commodities is one of the most universal and onerous tasks of society, and one that constantly engages the best efforts of ingenious men in attempts to facilitate it, to lighten its cost, and, when possible, to avoid it.

The latter is frequently impossible, since when one locality possesses one requisite material for a needful product, while a second and third possess the others, as when the ore, the limestone, and the coal needed for making iron are found in different spots, those separated materials must be brought together or the desired product cannot be made. Or, again, when a commodity exists or grows abundantly in one region, while its consumers unavoidably inhabit others, as is the case with coffee and many tropical products, it must be transported or fail of its market. With

many varieties of transported commodities, however, the case is altogether different, and notably when food and raw materials for manufacture are carried away from a country well adapted for manufacturing, to another possessing no greater natural advantages, where they are consumed and worked up into goods, which goods are then carried back to the original locality for a market. Some temporary cause, such as lack of apparatus or skill in that original region, may justify for a time the enormous loss by such duplicated transportation, but as a permanence it is thoroughly wasteful, and cannot, even though dignified by the name of free trade, long endure where human reason is allowed to prevail. The simple device which one people after another are learning — to bring consumer and producer into contiguity, and to cause the societary circulation to complete its circuit so far as possible within their own limits, — lops off great masses of useless toil, and strengthens one after another of the populations who determine to retain their own energies and vital fluids within themselves.

As for division of labor among the nations, that can only take place by each nation consenting to forego certain of the functions necessary to complete existence, and becoming to that extent dependent upon neighbors or rivals. Passing by the argument for political security deducible from this, which has been already considered, and regarding only the broad common welfare of the race, without reverting to the cost of transportation, we must observe that a population dependent upon a single pursuit is exposed to ruin when that single resource fails them, as happened in Ireland and in parts of India upon the failure of their respective crops of potatoes and of rice, in the silk region about Coventry when ribbons were no longer fashionable, and in Lancashire during the cotton famine caused by the southern rebellion. And again, the bodily carrying off from certain spots of the masses of food, wool, cotton, etc., which they are made to yield, is an absolute robbery and impoverishment of those soils, which are thus deprived of the animal excretions and remains of the consumers; while, on the other hand, the spots upon which those currents of raw material are discharged, become so burdened with refuse and putrefying matter that their streams and rivers become mere channels of filth, and only by conveying at great cost into the sea those fertilizing substances which ought to enrich the land is human health reasonably well preserved. The grasping commercial ambition of certain countries, bent upon holding an arti-

ficial and precarious supremacy, does indeed demand division of labor among the nations, retention by themselves of the profitable avocations, and endless transportation of materials to and manufactures from themselves. The well-being of mankind at large does not demand this.

*Eighthly.* "Things will adjust themselves properly to each other if only let alone;" "water must be allowed to find its level;" "the laws of nature should not be interfered with." Such are some of the axioms of that "laissez faire" philosophy whose advocates stigmatize self-protection as the "interference theory of government."

These be brave words, but what are the facts? They are that everything in the universe, so far as we know it, does incessantly act, strive, interfere, and labor to aggrandize and perfect itself; not letting alone anything that it can change. From crystal to planet, even inorganic masses draw to themselves whatever they can reach and assimilate, and build up themselves in symmetry according to the several laws of their own existence; from protozoön to man every organism cares for itself, and converts all around it to its own uses. Coral insects turn sea into land, locusts devastate provinces, beavers dam streams and form lakes, thus anticipating man in forbidding water to find its level without first doing him service.

Man while savage shapes stones into weapons, makes the bark and branches of trees into shelter, boats and implements, destroys animals for his food and clothing, forms tribes, wages war, and in every way possible to him uses his powers to change his surroundings for his benefit. The shepherd selects certain animals which he multiplies by myriads, while he destroys their enemies. The farmer cuts trees, ditches, fences, quarries, builds, ploughs, and plants; and so on at each successive step in civilization, man does but pursue similar ends by superior methods, seeking ever to promote the welfare of himself, his family, his city and nation; ordering and planning, leaving nothing to chance, and not hesitating to prefer and advance his own by all means, even at the expense of neighbor or rival, until checked by the other's ability to protect himself. Does all this concatenation exist, and is it right, and does it abruptly break off when the question comes to be of States, their rivalries and commerce? Shall those stupendous organisms run riot and grow or perish by chance, their several guides or rulers disdaining to devise and plan for their mutual interaction and for their respective advantage?

Not so do great States grow and flourish. Their growth and completeness come from the diligent seeking by each member of his own good, according to laws carefully planned and executed for the welfare of the whole not merging all into a universal phalanstery, nor pretending to care equally for his neighbor with himself, but at the best respecting his neighbor's rights; no member letting alone, but each strenuously converting, rejecting, and assimilating. The whole "laissez faire" doctrine is but the afterthought of people, who having by prior development of force and skill acquired industrial and commercial supremacy, now desire to be let alone in their artificial advantages, and therefore instruct their rivals and victims mildly to acquiesce in the present order of things, to make no efforts and lay no plans for its change, or for their own improvement and emancipation. The "laissez faire" philosophers are not apt to manifest much respect for antiquated wisdom, and yet even they might find a warning in the injunction of St. Paul: "But if any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel." 1 Tim. v. 8.

While thus attempting to show the right and the duty of every government to foster and protect its industries, I am well aware that no tariff legislation can or ought to enable a slovenly, stupid, or lazy workman or class of workmen to earn the wages which are the proper reward of intelligent assiduity. I know also that the efficacy of such legislation has limits.

A mill-dam twenty feet high may injure no one and give gratuitous power sufficient to drive a factory or to grind the corn of a township. The dam might in some cases be safely carried up to forty feet and give double the power, though with more danger from accidents and smuggling musk-rats. Raised to sixty feet it would probably drown out the farms above, be of doubtful advantage to the industry below, and would surely burst away in some time of storm, ruining all in its path. What then is the point at which a tariff ceases to be beneficial? Manifestly no general rate can be applied, for many articles, such as most tropical products, and others not existing at home, should enter free, or as nearly so as the exigencies of the treasury will permit; while others should be subjected to various rates, mostly bearing some relation to the amount of labor they have undergone, and modified by reference to collateral or dependent industries, and to the convenience or security of collecting the impost; the whole forming certainly a complex problem, yet one capable of a substan-

tially right and expedient solution when undertaken by persons of sufficient intelligence and fairness of mind.

But again, what class of persons are likeliest to be wise and safe counselors for the general good in framing the laws regulating foreign trade, and thus fixing the terms upon which native industries are to battle with foreign in the home market? The merchant is apt to see nothing and to care for nothing but a flow of trade through his shop, indifferent, so his toll be secured, whether the current is of foreign or of domestic goods, or whether it brings wealth into the country or carries it out; the lawyer, though skillful in giving proper form to an act, is usually deficient in technical knowledge, and therefore liable to errors and to imposition. The farmer can hardly be expected to possess adequate knowledge of commercial affairs; the foreign agent, though hitherto a most active and influential personage in constructing our tariff laws, represents influences utterly hostile to the country, and his presence is an impertinence; the laborer or artisan seldom regards the ground from a high enough stand-point to take in much beyond his own peculiar field, and his views, though clear, lack perspective, and do not sufficiently perceive that his necessary coadjutors, capital and custom, must be invited and not forced. Really the best guides are the most enlightened of the home producers. Those captains of fifties and captains of thousands, who constantly face the foreign enemy and comprehend his strategy, who know thoroughly their own men, the soldiers of the great industrial army from whose ranks many of them are sprung, and who occupy a position intermediate between the foreign competitor, the domestic artisan, the collateral home industries, and the consumers, know better than any others what is expedient and what is practicable. No intelligent tariff legislation is possible without their aid, and though some selfishness is to be expected, yet when brought under the scrutiny of legislators or officials of honest and friendly purpose, they usually make frank and lucid statements of all that is desired.

Though a considerable preponderance of our people favor protective tariff legislation, and generally send to both Houses of Congress majorities committed to that policy, yet numbers of respectable persons, exclusive of the cliques of foreign agents and bankers, and of the masses innocently arrayed against protection by insidious appeals to their selfishness, look for obvious reasons upon the process of tariff making as usually practiced in Washington, with suspicion and aversion. When the tariff question is

opened in Congress, no matter whether the proposed changes are great or small, every interest which is less prosperous than it would wish to be, and which possesses the means of reaching a Congressman's ear, has the right to offer amendments to the act under consideration. Some, counting upon a suspicious and cheapening reception of their grievances, purposely exaggerate them. Some industries are so important and influential, that Congressmen hoping for reelection are tempted to listen to them to the exclusion of those which are smaller or less pertinacious, and more favorably than comports with a scrupulous regard for the common welfare. The agents of foreign industries strive to warp legislation for the gain of their employers by appeals to local, political, or personal jealousy, by persuading individual Congressmen that their superior intelligence should lift them above the fogs of American nationality into the perspicuous English atmosphere of free trade, by absolutely false or misleading statements upon apparently respectable authority, by every art of social beguiling, and finally in some cases it is to be feared, by the direct use of money.

Less favorable circumstances for a dispassionate and intelligent study of a most difficult and knotty question, involving endless details and the most widely extended consequences, can hardly be imagined. That our legislators should under such auspices usually perform their task so honestly and well as they do, should enact so few absurdities, and cling so fast in the main to sound policy and reason, is indeed creditable to them, though not to the present system of tariff legislation.

Besides the objections to that system which have already been mentioned, is the important one, that it renders almost impossible the establishment of a new industry, unless of such a nature that its product falls within some classification already protected by a sufficient duty. Many industries new to this country should yet be introduced here, but how can it be expected that competent persons should come forward able and willing to devote the means and toil needful for that purpose? They know that it is not the practice to modify the tariff for single interests, but that one must wait until all the ponderous machinery of a general revision of the tariff can be set in motion, and committees, both Houses of Congress, and President be brought to assent to many hundred separate propositions; the foreign monopolists, whose profitable trade with this country is to be interfered with, having in the mean time every opportunity to befog the question, and to starve out the unprotected American adventurer by lowering prices. Some



prompter method should surely be devised for extending to new and deserving industries at least such measure of protection as the general policy of the government at the time may dictate.

Beyond all this again lies the absurdity of burdening Congress and obstructing legislation by crowding in upon it such a mass of undigested technical and commercial questions of which so very few members have any distinct knowledge. It is swamping our court of last resort with all the cases which ought to be mostly disposed of by something comparable to the Common Pleas and Quarter Sessions.

To propound a remedy for this condition of things, setting forth in detail the machinery of a better system, would evidently lead me beyond the proper limits of this paper, yet some indication of a better plan may be briefly given.

Let a permanent Commission of Customs be created, or a separate bureau erected in the Treasury Department, charged with constant oversight of the changing conditions of trade and industry, and especially with watchfulness for the introduction or naturalization of industries new to the country, whether such are actually undertaken here or are merely seen to be feasible and desirable. A permanent commission is preferable to a bureau, as being more independent, and of wider scope, and therefore attractive to a higher order of capacity. Let the Commission be composed of at least three persons, of whom one should have practical experience and wide knowledge as a manufacturer, and another should have acquired thorough acquaintance with the actual machinery and practice of collecting customs, by intelligent service in a custom house; knowledge of tariff legislation and precedent in this and other countries is also essential. Let them be empowered to hear during recess of Congress all representations of parties desiring changes in the tariff, and to travel from place to place for the purpose of more thorough investigation. Let them hear all cases of conflicting claims or interests in regard to customs rates, and have power to summon witnesses. Let no tariff legislation be introduced into Congress except from this Commission, which should make at the beginning of each session of Congress a report accompanied by a form of law, the latter embodying all changes they deem desirable, and the former giving as briefly as possible the reasons therefor, and a general view of the situation. Let them have power to make and enforce all the needful regulations for carrying into effect all laws relating to the imposition or collection of import duty. The larger powers possessed by the English Commissioners of Customs, which extend to the alteration of tariff

rates, could scarcely be granted with safety to such a commission here.<sup>1</sup> During the session of Congress let the Commission reside in Washington, and sit permanently within certain hours to take cognizance of matters arising after the sending in of their Report, and to attend at the call of any suitable committee of Congress, for the purpose of receiving suggestions, giving needful explanations, hearing and obviating objections, etc.

Such a commission, consisting of sufficiently intelligent and honest persons, resolved upon promoting by the means confided to them the welfare of their own country — exercising their powers with sympathy for both producers and consumers, not favoring any selfish rapacity, or any slovenly manufacturer, nor endeavoring to preserve any establishment which by the march of industrial science has become antiquated, and holding themselves well in check by a strong sentiment of conservatism, refusing any change except for very sufficient reason — would command the confidence and cordial coöperation of nearly all the American interests which would be affected by its action. It would relieve Congress of great masses of the most annoying legislation very much as the Court of Claims has operated in another field, would lighten the duties of the Treasury Department somewhat as has been done by creating the Commissioner of Internal Revenue, and would give a most desirable stability to our tariff system.

It may be said that much of this was contemplated in the creation of the Revenue Commission, at first consisting of Messrs. Colwell, and Hayes, and afterwards continued by Mr. Wells alone; but that Commission had a range of duties too wide for the purpose now under consideration, and had insufficient powers and authority. The reduction of its numbers from three to one seems to me to have deprived it, perhaps inevitably, of the confidence which is naturally felt in the concurrent decision of several persons, and thereby to have curtailed its usefulness. The establishment of that Commission was however a step in the right direction, and the experience gained through its good work and its mistakes, should greatly facilitate the establishment of that better system of preparation for tariff legislation which seems to me so urgently needed, and which should remove this vexed question forever from the arena of mere political strife.

<sup>1</sup> Of course the tariff laws are now enforced by the Treasury Department, yet evasions are occasionally practised with success by urging plausible but erroneous constructions of those laws, or by taking advantage of technical doubts, whereby the Treasury is robbed of large amounts, and the American manufacturer deprived of the intended protection. It would seem reasonable that those who frame the laws could best detect and prevent this class of errors and wrongs.

## VON MOHL ON DIFFERENT MODES OF FILLING OFFICES IN THE CIVIL SERVICE.

READ AT THE GENERAL MEETING, PHILADELPHIA, OCTOBER 27, 1870. BY BRINTON  
COXE.

THE following paper is intended to contain a condensed but faithful review of the treatise of the eminent German publicist, Von Mohl, upon the different modes of filling the offices of the civil service. The interest which the American Social Science Association has constantly felt in civil service reform has led the writer thus to bring before its consideration the best treatise upon this subject in the German language which has come to his knowledge. It will be found upon pp. 347-393 of the third volume of Herr von Mohl's Collection of Monographs upon Polity, Political and International Law, and Politics, entitled: "Staatsrecht, Voelkerrecht, und Politik;" Tübingen, 1860-1869.

Robert von Mohl was born at Stuttgart in Würtemberg in 1799. The family is a remarkable one, his three brothers, Julius, Hugh, and Maurice being all distinguished men, the first as an orientalist, the second as a botanist, and the third as a political leader and economist. Robert von Mohl's high rank as a publicist is the result of a life devoted both to political science and to practical politics, and he is well known not merely as a writer, but also as a statesman. For many years a professor in law and political economy in the University of Tübingen in his native State, and afterwards in the University of Heidelberg in Baden, his lectures have been attended by students from all parts of Germany. He has occupied different public positions in Würtemberg and Baden, and was Minister of Justice of the German Empire in 1848 and 1849. He is now the diplomatic representative of Baden at the Court of Bavaria. When it is recollected that the Grand Duchy of Baden has been the most ardent of the South German monarchies in bringing about the restoration of the German Empire, while Bavaria, though the largest and most powerful of the southern states, has been the most reluctant to enter the imperial union, it is evident that Herr von Mohl must have played an important part in the recent unification of Germany. The recent sale

of his library to Yale College would seem to show that he has retired from a professor's career.

Of his various writings, the following may be mentioned here : A General Introduction to the Political Sciences (*Encyklopaedie der Staatswissenschaften*), 1859 ; The History and Literature of the Political Sciences (*Geschichte und Literatur der Staatswissenschaften*), 1858 ; The Science of Administration on the Basis of Jurisprudence (*Die Polizei-Wissenschaft nach den Grundsätzen des Rechtsstaates*), 1866 ; and finally the Collection of Monographs mentioned above.

§ 1. *Of the Different Modes of Filling the Offices of the Civil Service.*

In the modern state the offices of the public administration may be filled in three fundamentally and essentially different ways : first, by a systematically organized body of professional officials appointed by the government, either with or without a legally secured tenure of office ; secondly, by officials chosen by election upon either a democratic or an aristocratic basis ; thirdly, by intrusting local offices to unpaid volunteer officials upon the principles of the institution of local self-government in either its aristocratic or its democratic form. Other methods are possible, as, *e. g.*, the confiding of public offices in a theocracy to the clergy, or their connection with the possession of land in a feudal state, or again, their acquisition by purchase or inheritance. These methods of filling offices, however, have either become obsolete or exist only exceptionally, and need not detain us in this essay, which is confined to the discussion of the wants of modern government.

§ 2. *Of professional Officials appointed by the Government. Of the Professional System in General, and its two Modifications, — 1st, where the Offices are held by a legally secured Tenure of Right thereto during Good Behavior ; 2dly, where no such Right exists, and the Offices are held merely during the Pleasure of the Appointing Power.*

The transaction of public business by *professional* organs of the public power is in most States of the present day the most frequently occurring system, for it exists even where others are in part used. It is, however, necessary to bear in mind that this system is found in two distinct forms, the difference between which depends upon the question whether the public officials do or do not possess a legal right to retain their places during good behav-

ior, and a legal claim to pensions for themselves or for their families in cases of old age, sickness, or death. Nothing can be a greater error than to suppose that this fixity of tenure is a subordinate question. The whole character of the institution is changed according as one or other course is adopted in this respect.

§ 3. *Of the Nature and Effects of the Tenure of Legal Right to Office during Good Behavior.*

Where a tenure for life and proper pensions are secured incumbents as a legal right, the difficulty experienced by the government in filling offices is of course much diminished, for the State service is then a regular profession attracting many good men. Under such circumstances the public administration naturally becomes a fitting career for intelligent, honorable, and diligent men instead of being the means of satisfying the demands of indolence, corruption, selfish ambition, and favored incapacity. A man of worth can thus devote himself to the public service without feeling that he has neglected what is due to himself in his old age, or to his family after his death, and can expend time and money in educating himself for office and in fitting himself for promotion. Even when the present remuneration does not admit of his immediately providing for a family, a just expectation of advancement and of increase of pay will give him the prospect of doing so, and he will besides have a legitimate satisfaction afforded him from the consciousness of participating in the public power. On the other hand, in return for so many benefits, the State can with confidence rely upon the character of its servants, exact from them every exertion which may further the public business and advance the public weal. It can forbid their having any private occupation outside of their public duties, and demand that their whole time shall be devoted to the cares of office. A fitting preparation can be required of all candidates for place, and discriminations can be made most easily and effectively between the higher and lower grades of officials, and between the qualifications and capacities exacted for the different branches of the public service. The legal right of security in office must in all cases, however, remain intact.

Many important consequences follow the adoption of such a system of secured tenure. These are in the main of a favorable character, although not altogether without an admixture of others less advantageous. On the good side of the account the following considerations may be mentioned as requiring notice. First, the State can require from all the officials so appointed the general as

well as the special qualifications necessary for the good of the service and the policy of the government. It can demand from each official the acquisition of proper theoretical knowledge before taking office as well as prescribe the course of general education which youths intending to embrace the profession must follow. Examinations, periods of probation, the preliminary discharge of the duties of certain subordinate posts, the order in which officials shall pass from one branch of the administration to another, and other measures for elevating the standard of the service, can readily be adopted. When such regulations are wisely made, a civil service can be constituted which shall consist of trained, skillful, industrious, and zealous men, occupying a distinguished place among their countrymen. Even in constitutional governments where the people or the parliament have the nomination of ministers of state or other highest officers, and where consequently many of the most able public men may not choose the career of appointed officials, a high standard of appointees and a good administration of public affairs can be secured. A second advantageous circumstance is a great uniformity of thought, of views concerning political and social life, and of customs in and out of office on the part of officials. The similarity of their education and of their whole official career necessarily produces such an effect. It is apparent that such an agreement of opinions and uniformity of conduct must have a good influence upon the despatch of the public business and the working of the government. Errors and omissions will be diminished in number, and the chiefs of departments will be able instinctively to appreciate the operations of their subordinates in any part of the country. It is perhaps necessary for the reviewer here to call attention to the importance of this uniformity in the administration of government, a thing which must exist to a certain extent under all systems, but which is secured to a great measure in America by the litigious interference of the courts of justice in administrative affairs. While the existence of such powers in the judiciary has been generally found to be in the highest degree conducive to the all-important interests of liberty, it is evident that delay and expense must continually be avoided by any system which diminishes the chances of conflicts and disputes between the public officials themselves.

Thirdly, it is a most prominent merit of the system we are discussing that it makes practicable the existence of a thoroughly constitutional obedience on the part of officials. Their legal security of tenure in office enables them to refuse to take part in the exe-

cution of unconstitutional and illegal orders, while obedience to such as are legal is unavoidable. Such a refusal based upon valid grounds and made in proper form can entail no removal from office, as such a measure could only take place after trial according to law, a proceeding which could have no other than a favorable result to the resistant if the order in question were unlawful. On the other hand, where the government has law on its side, it has ample means of insuring the necessary obedience in the power of removal for cause after trial and condemnation. There need be no fear that in doubtful cases the right of refusing obedience will be too frequently resorted to. On the contrary, the danger is of an opposite character. For us in America, it may be observed that there is no more important consideration in connection with the establishment of a legal security of tenure than the foregoing. The one great reason which has led our people to keep up that frequent rotation of offices, which is based upon the absence of such a security of tenure and upon the fullest power of removal on the part of the appointing authority, has been the fear that the body of the public officials might in certain contingencies be the most efficient means of endangering the liberties of the people by the execution of the unlawful commands of their superiors. Should, however, public opinion come to the conclusion that a legal right of tenure would further the independence of a standing body of officials to such an extent as largely to counterbalance any anti-popular class feeling which might be engendered by permanency in office, the probability of the abolition of the principle of rotation would be enormously increased.

Fourthly, it will be found in many cases of great advantage to the public weal that a body of professional officials cannot make any very great difficulties against carrying out legislative changes or administrative reforms. Such necessary power the government has here over its agents, for it is not in the nature of a "bureaucracy" to renounce its profession. The obligation of legal obedience will certainly not be disregarded by more officials than the government can replace by others of the same branch of the service who possess the same qualifications and training as those resisting such reforms. Such difficulties may readily occur where a different system exists, as for example where public office is assumed as a side business for the security of the official's own interests or those of his class, and not for pecuniary remuneration.

Lastly, it is an essential advantage of this system that whenever the proper spirit animates the appointing power, the relatively best

man can be secured for any vacant post. In ordinary cases it can hardly be possible for a fully incompetent man to be appointed, for the preliminary requisite education, the examinations, the probation of beginners, and the critical knowledge of the services of former incumbents, all must prevent it. The often mediocre or foolish results of local and party elections can find here no place. The selection is not limited to the inhabitants of a particular locality or the members of a particular class. On the contrary, the choice may be made from all those officials in the financial or other branch of the service to which the vacant office belongs who have not been promoted to higher posts. It will be easy not only to avoid making indifferent appointments, but also overslaughing or forgetting deserving members of the service. It must, nevertheless, be remembered that all these measures do not furnish a full guaranty against errors in filling places demanding peculiar qualifications of mind, and especially character. These cannot be ascertained by examinations, nor often by the experience of "previous" service. But even in such difficult cases the selection from a professional body of well-known men must give better results than any other possible principle of choice.

It would, however, be very partial to dwell only on the foregoing advantages of confiding the public business to professional officials possessing a secured tenure of office. Like everything in the world, such an institution has its dark sides. Of these disadvantages the following must be mentioned. In the first place, the costliness of the system is a thing which is unavoidable and inherent. Whenever a man is burdened with the business of a public office, he must have either an important private interest at stake, or must be adequately paid for his labor. In this case the reward cannot be a small one. The expenses of the preparation for the profession and of the preliminary period of the official's career represent an amount of capital in return for which the subsequent salaries must produce not the mere interest, but the annual amount of a life-annuity equivalent thereto, over and above the regular remuneration for the annual labor. The social position of a public official likewise involves expenses which must be borne in mind. It is evident that if these considerations are not given their proper weight, the effect must be to drive the most desirable recruits away from the public service in this age when the prodigious development of industry affords such lucrative rewards for men of talent. Again, it cannot be denied that the discipline in such a civil service and the constant influence of superiors upon



inferiors may have a bad effect upon the character of the latter, and that it does actually have such an effect upon the weak and the over-ambitious. The more such influences are misapplied, the greater the danger of a servility in the civil service, injurious to the interests both of the community and of individuals. It cannot be denied that, when this occurs, the government has a powerful means of executing its arbitrary will and of circumscribing the lawful freedom and development of the people. Then it is that the power which has been obtained by intelligence and organization for good will be applied to evil purposes. Furthermore, it is not merely possible and probable, but experience has shown it to be certain, that in many cases such life-long professional officials grow into a mere thoughtless routine, and their occupation from an intelligent profession degenerates into a dull trade.

Finally, it is possible, happily not necessary, that a systematic corruption may permeate a civil service. This can be of different sorts. The mildest form which corruption can assume is that which consists only in idleness and shirking work, when the official does not give his whole time and powers to his duties, but devotes himself partially to private affairs or pleasure. This evil, when developed, naturally causes great delay in the public business and frequently leads to a large increase in the number of employees, a consequence which either raises the cost of the service unnecessarily or reduces salaries to an injurious level and degrades the standard of the official body. It is of course much worse when the corruption consists in actual bribery. This is a source of innumerable evils and a curse upon the people and the government, whether it originate in too great parsimony as to salaries or any other cause. Justice and right are then sold to the highest bidder, and offenders buy impunity with money or a share in the plunder; false documents and evidence are bought and sold; just complaints are only attended to when paid for; public funds are embezzled, and as a consequence important measures depending upon them are often unexecuted; exorbitant prices are given by government for wares of inferior quality; the public property is stolen, falsely estimated and falsely accounted for, and the whole administration becomes a system of fraud, lying, and cheating. The removal of any kind of corruption, and especially bribery, is always difficult, even with the best intentions on the part of the superior authority, especially so when the evil is extensively and deeply rooted, and when there are many persons whose interest it is to assist offenders and obstruct the operations of justice. Individual cases of

punishment, no matter how severe, will not suffice to remove the evil. Nothing but an iron will, and an untiring perseverance, and above all the removal of the original cause of the evil, whatever it may be, can be efficient. Whenever any one of the foregoing bad sides of the system has been developed to any considerable extent, it necessarily follows that the whole service must correspondingly lose the respect of the people. In some cases, especially in that of a great frequency of bribery, the official body must be regarded with bitter hatred and deep contempt by the public. Not only will the moral power of the state be then diminished, but honorable men will avoid a career thus degraded in social estimation, and as a consequence the miserable condition of the service will grow worse and worse.

On the whole, however, after considering both sides of the question, it is not difficult to give a favorable judgment upon the system of administering the public business by professional officials with a legal right to their offices. The institution is a practically useful and judicious one, calculated to secure an educated and experienced body of officials and a uniform and regular dispatch of business, giving a certain amount of security against arbitrary and illegal acts of the ruling power, while at the same time compelling the necessary obedience of subordinates. In the greater number of cases it has been proved to work excellently, and it is everywhere applicable. On the other hand it is expensive, capable of degenerating into thoughtless routine and perhaps great corruption, and requires constant vigilance against the decay of its efficiency.

§ 4. *Of the Nature and Effects of a Tenure of Office during the mere Will of the appointing Power.*

We come now to the consideration of the system in which the public affairs are administered by professional officials who, though regarding office as a means of support and as a regular occupation, have no legal security of tenure, and as a natural consequence, no legal claim to pensions for themselves or their families in cases of old age, sickness, or death. It is clear that this inferior position of the public officials must have many important consequences. Care must be taken, however, not to judge too quickly or generalize too easily, for experience has shown that this system can be and actually is applied in practice in very different ways. For example, in France removals from office in fact occur only in certain higher

posts, and then mostly on political grounds,<sup>1</sup> the mass of the subordinate officials as a rule remaining unmolested and pushing their way upwards through the different grades of the service. On the other hand, in the United States, after every change in the Presidency, a general removal is made of all administrative officials without any respect being paid to previous services or individual convenience. It is not the rule but the exception for any incumbent to hold over, and when such a thing does occur, it is owing to luck or accident and not to merit. The American and the French systems, though based upon the same legal principle, are therefore so different that each requires a separate consideration.

§ 5. *Of the French (Imperial) System of Officials.*

In the French system continuance in office exists as a matter of fact though not as a matter of right, to such an extent that the public administration is looked upon as furnishing a regular career. Promotion according to seniority and the like considerations, and even certain kinds of pensions, though not legally secured, exist in practice. As a consequence the state can exact a certain preliminary education, which however generally consists merely of collegiate studies, although for certain posts a legal training is required. There remain, however, unavoidable evils. There exists no legal security against removals from office in cases in which no breach of duty has been committed, and subordinates are subject to political demands which make them the objects of dislike in private life. There is always cause for a feeling of uncertainty. The higher posts are either filled on political grounds, or are distributed among the limited number of functionaries who have entered the civil service through the Council of State. In consequence of all this there exists no scientific professional training, a thing which would indeed rather increase the hardship of arbitrary removals. Institutions for a systematic training of public officials are wanting. The effect of this absence of training upon the higher officials is to encourage a great deal of mere routine and meaningless formality in the administration. Many of them too are not familiar with the duties of the subordinate grades, in which they have never served. Under this system the whole body of officials is looked upon as mere partisans of the party in power, and the subordinates are prevented from acquiring social prestige by the known dependence of their position, by their defective education, and by the difficulty of promotion. Where there

<sup>1</sup> These observations were made in 1869.

are no legally prescribed prerequisites for an office, arbitrary and bad selections are frequently unavoidable, and all kinds of favoritism have a large field, much to the injury of the moral character of the service. The dependence of the officials, however, appears most clearly and most injuriously in their professional conduct. Where no security against arbitrary removal exists, they must make themselves agreeable personally to their superiors and politically to the government of the day. Even if a legal and constitutional obedience were theoretically recognized in the French law, a thing which is not the case, it would have no real existence. The whole service readily yields an unconditional obedience to all orders whatever, and acts unitedly in politics as has been seen in the case of elections. While this gives the government power to carry out measures otherwise impossible and which may sometimes be good ones, on the other hand, it encourages obedience to the orders of a usurper or any illegal *de facto* authority, and is one of the causes of the ease with which revolutions have been made in France. Thus, as long as a government exists it is too powerful, but so soon as it is upset by a lucky blow at the capital, the new power can extend its authority over the whole land.

§ 6. *Of the Official System of the United States of America.*

Whatever may be thought of the French system of filling the public offices, it is certainly better, our author thinks, than that which exists in the civil service of the United States of America. The frequent changes of the whole body of administrative officers of the government of the Union has produced consequences of the worst kind, and of which Europeans have hardly any idea. Where office can only be obtained by a lucky accident, and where expertness is not at all required, it is useless to expect any regular education for the civil service. Electioneering services, and not capacity, are the reason for which office is conferred. The only purpose for which office is sought is that of pecuniary advantage, which is not always the mere legal salary, but the profits of corruption. Public offices are, as the horrible phrase of the country describes it, "the spoils" of the victor. It is well to recollect that the struggle of parties in America has assumed so bad a character that most honorable men keep out of politics. Elections are managed by the "politicians" by trade, and the name itself has become a term of reproach. Fortunately, the general government has only certain branches of the public service confided to it, the rest being cared for by the several States. It is not too much

to say that the civil service of the United States government is a venomous cancer in the body politic, the extirpation of which is as necessary as it seems impossible. Without doubt, life in the United States affords advantages which hardly any other land can show, and we can hardly measure the progress of their future; but there are evils there which demand correction, none of which are worse than the whole condition of the general civil service.

We may ourselves observe that the foregoing criticisms are severe, but cannot deny that the author's observations show a familiarity with American politics remarkable in a foreigner, nor that many well-informed Americans hold the same opinions. At the same time, on the other side of the account, it may be said that there are a certain number of highly honorable officials in the service of the United States, that the cabinet officers have in the main been free from corruption, that the judicial appointments of the general government (which Mohl however does not here refer to) have on the whole been excellent. Above all, however, it must be borne in mind that rotation in office, even when run mad, prevents the possibility of the establishment of a permanent class of oppressors and tyrants who pass their lives in doing evil to the people whose labor and property support them. Even if native-born Americans had been inclined to forget the danger of such a class of foes being established in any political household, there have been emigrants enough from abroad who have arrived here with their hearts filled with a hatred of bureaucratic government, for rotation not to have a strong support as being at least the choice of evils. Whether the evils of this principle have not at last become intolerable, and whether some early and thorough remedy must not soon be found, is of course the great question. It is to assist in its solution that the present review has been written, in the hope that its contents may be of service to the numerous thinkers who are now studying the subject, whatever may be the results to which their investigations may eventually lead them.

#### § 7. *Of Elected Officials in General.*

Another principal mode of manning the public service is where, in either an aristocracy or a democracy, the more or less numerous body in which the sovereign power resides, elects its officials from among its own number. In these two cases, however, the nature and effects of an elective system are very different. A few remarks will suffice for the considerations connected with a pure aristocracy (*e. g.*, the former Republic of Venice), it being a form of government not now existing with peoples of European origin.

§ 8. *Of the Elected Officials of an Aristocratic Government.*

In an aristocracy it is a political necessity that all the higher and more influential offices should be filled by members of the governing corporation. Subordinate offices can be filled from the class of subjects of the aristocracy, and for these a system of professional officials or any other proper one can be adopted. For the higher posts the case is different. For them, membership in the governing body is the most important qualification. Formal professional tests would be inapplicable to a body so restricted as to furnish but a limited number of candidates, and the general political education and experience of the aristocratic class is, as a rule, the best training practicable under the circumstances. These higher officials should be chosen by the general assembly or council, for their nomination is an act of the supreme power which should be performed by the depositary thereof. The terms of office should be short, first, because a dangerous irregular power might be generated by the long possession of such places, and, secondly, because as many members of the governing class as possible should have actual experience in public affairs.

§ 9. *Of the Elected Officials of a Democratic Government.*

Democratic elective officials are, however, of much more importance for our purposes than those of aristocracies. This subject is one which requires full consideration, not merely because democratic States exist in Europe and America, but also because in States of a different constitution there is to be found a very pronounced tendency toward the development of popular rule. It is therefore a matter of great interest, if not of duty, to ascertain both the merits and demerits of every element of this form of polity, one of the most important of which must be the arrangement of its official system.

Before going further some preliminary observations are requisite to prevent the possibility of the subject being misunderstood. First, the grant of offices for short terms may be laid down as the actually existing state of things. It is true that short terms are not necessarily inherent in the idea of a popular government. We can conceive of long and even of life terms being given by the popular vote, but elections recurring at short periods, at the furthest every few years, are the usual and in fact the correct rule. Where the popular will concerning appointments to office must necessarily be directly expressed — a thing which is to be laid down as an un-

doubted axiom for a democracy — a frequent election of officials must be made, for the will of the people may easily change as to any matter of government, and especially so in regard to such as involve questions of persons. Besides, too, it is possible that in a popular polity the long possession of influential offices may afford ill-disposed and ambitious persons opportunities of obtaining dangerous power. Secondly, it will be understood that, as a matter of course, popular elections include not only such officers as are elected by the whole people, but also those of small districts which are chosen by the inhabitants thereof. These latter are not only the most frequent examples, but also those best suited to the peculiarities of the democratic system. Elections by the whole people are indeed possible, but the scale is such that their preparation and practical working must be always difficult in any but small States. As a rule, they can only be adopted for a few of the most important offices, and the government thus constituted must fill the other places in the central administration. This may be done by different methods of appointment, good or bad, all of which must however detract from the democratic character of the whole system. In the following remarks reference will only be made to the offices filled by popular elections for the whole country or large or small districts, those appointed by the higher officials falling under one or the other systems already referred to. Finally, it is obvious that in a democracy offices may be filled not merely by the people themselves, but also by representatives chosen for that purpose, just as the public power may be exercised by the assembled people directly (if the State be small enough) or indirectly by their representatives. Such a mode of election contains nothing repugnant to a democratic polity, although the method of direct election presents most clearly the characteristics of democracy, and the following remarks will keep it principally in view.

The good effects of popular elections in filling offices are as follows. In principle it is on every ground correct that the sovereign people of a democracy should choose its officials. The nomination of its own organs is essentially a function of the sovereign power, which in this case is the people. So, too, it is politically necessary that the servants of a government should not be opposed to the political tendencies of the sovereign, whether prince or people. A second advantage is that the officials represent and express the opinions and sentiments of the existing majority. This is not the proper place to go into the general question of the merits and defects of governments of the majority. It must, however, be recollected that de-

mocracies are such governments, and that the details of their organization cannot practically be arranged upon any other basis. Where short terms of office are adopted this advantage can nearly always be secured. A third advantage is the cheapness, for, compensation upon a basis of republican simplicity for the time taken from private affairs is all that is requisite. Claims for pensions and remuneration for a life devoted to the public service find here no place. Again, it is not to be forgotten that officials so chosen from the ranks of the people to which they must soon return, cannot fall into the oppressive conduct of a haughty official class. Finally, it is to be observed that an official chosen by popular vote runs little danger of being placed in the position of being forced to yield obedience to orders that are illegal or contrary to his political convictions, a thing which would degrade him in his own estimation and that of his fellow-citizens. He is necessarily a member and an organ of the majority himself, else he would never have been elected, and his agreement with it necessarily proceeds from choice and not from that servility which may occur under a different system. Where a change in the state of parties takes place during an existing term of office, it is true that a collision of opinions may occur, but such a condition of things cannot last long where the tenure is a short one, and may sometimes readily be avoided by the resignation of the temporary employment.

But the filling of public offices by popular elections has also its dark sides. In some respects at least, the system presents so great a mixture of evil with good that there are great doubts as to what must be the final judgment to be pronounced upon it, and there can be no question that it produces certain deleterious effects not only where the public morals are corrupted, but also where they are in the main sound. Thus, for instance, it is perfectly possible that in certain cases the best man may be elevated to office by popular election much more quickly than by promotion in a system of standing officials, and that too, before he has passed the zenith of his usefulness and without his efficiency being injured by an excess of routine. The doubtful chance, however, of such a thing occurring is purchased at the expense of the absence of any system of education for the public service, and of any security for candidates possessing proper qualifications. While thus a man of extraordinary and well known qualifications may perhaps on occasion be chosen for a post of importance, it can only be for a short time, and the great portion of the officials must always be selected without previous tests or proofs of their fitness. Qual-



ifications limiting the will of the sovereign people and long preparation for offices of short terms necessarily present peculiar difficulties. In this case we can do nothing but rely upon the discrimination of the people and upon a certain general familiarity of candidates with political affairs which democratic institutions are calculated to give.

The following sides of the system are undoubtedly disadvantageous. The frequency of the elections give rise to great public disquiet and violent party struggles, especially if there be little difference of numbers between the majority and the minority, and political feelings run high upon the issues of the day. It is true that such struggles are inherent in a democracy, and that the minority of a thoroughly trained political people may quietly acquiesce in the judgment of the majority, but the frequency of such civil tempests is not necessary to true civilization and may injure the material well-being by exciting evil feelings or engrossing the people in political excitement. It is also undeniable that electioneering intrigues may be pushed to immoral and indecent extremes, even where the public morals are otherwise sound. More than any others are the candidates for office involved in such intrigues, and the effect upon them may perhaps be considered as counterbalancing the charges of servility so frequently made against the civil servants of a monarchy. Furthermore, canvassing for office has not only a bad effect upon the elected, but also upon the electors. The people have their courtiers as well as princes. The temptations of candidates to sacrifice independence and character in order to please the people by agreeing with their opinions and pandering to their passions, are often great, and where this occurs the people in their turn may become as much corrupted by the flattering intrigues of demagogues as princes by those of courtiers. Still greater are the evils when a decided corruption of political morals has grown up in a democracy. Under such circumstances popular elections may become a very plague upon the land. When mobs guided by unprincipled leaders take the matter in hand, when a low newspaper press goes to every extreme of falsehood and shamelessness in misrepresenting the public and private life of opposing candidates, when general bribery and the plunder of the public funds become means of electioneering, it necessarily follows that educated and honorable men not only refuse to be candidates for office but even abstain from taking any part in elections. When this takes place the care or rather the profits of the public business fall into the hands of the

worst and most degraded part of the population, and a state of things may very readily arise in which no cure can be found but a recourse to measures of violence. Even then, such measures besides being dangerous may be of doubtful success.

As far as this method of filling public offices is concerned and isolating it from other questions of polity, our author holds it to be no monarchical prejudice which leads him to give those systems which are usual and possible in monarchies a preference over the democratic institution of elections, and especially so where the latter has fallen into the state of corruption above described.

It has been remarked above that offices may be filled in a democracy by elections made not by the people but by their representatives, either chosen specially for that purpose or as members of the ordinary representative assembly. At the first blush it may seem as if there was much to commend in this plan, but on mature consideration it will be found that it has in practice a limited range of application, and is liable to certain peculiar disadvantages. In a democracy the people are little inclined to part with the exercise of their own power, and will only consent to do so when forced to it by the difficulties of a direct election. Such difficulties can only occur as to the choice of officials for the whole country, and not as to the far greater number of those chosen for local offices. The election of representative electors must likewise be attended with the same disquiet and trouble as one directly for the office itself, and can only be applied to a few of the highest posts in the administration. A standing electoral assembly for the selection of all the officials of the central administration would be expensive, dilatory, difficult to work, liable to get into collision with other branches of the government, and has in fact never actually existed anywhere. If such functions be imposed upon the regular political representative assembly, the effect must be to injure the efficiency and freedom of action of the chief officials of the government and practically diminish their responsibility, since their subordinates would feel themselves dependent not upon them but upon others. Besides too, such functions would frequently interfere with the other and the ordinary business of such an assembly, and would without doubt be in effect confided to committees, a course which would endanger if not defeat the whole purpose of the constitution. Added to this, it must be recollected that such assemblies are not always in session, so that time must frequently elapse before vacancies can be filled. These difficulties have ever been felt so clearly that all representative

democracies have preferred to leave the nomination of subordinate officials to the executive power, notwithstanding the fact that such a plan accords little with a democratic polity. As a matter of fact, the nomination to administrative posts in democracies by indirect instead of direct elections has been limited to the cases of but one or a few of the chief officers of state, and also to a right of confirmation of certain appointments by a division of the regular representative assembly. As to the indirect elections, it need only be remarked that the consequences are substantially the same as if they were made directly by the people. The right of confirmation in a representative body is, however, rather to be regarded as a constitutional control over the higher magistrates of a republic than as the delegated exercise of the sovereign power of the people. At best such a confirming authority must be considered a two-edged sword, for while it may sometimes be used to counteract evil in the magistrate, it may at others be used to weaken and interfere with the proper exercise of the powers of government, and to give a wide field to the evil passions of party strife.

§ 10. *Of the System of filling Local Offices under the Institution of Local Self-government by unpaid Volunteer Officials.*

A third principal method of filling public offices is that pursued under the institution of local self-government. Under it the administration of local affairs may be intrusted to such persons as have an interest in the proper management thereof, and who are willing to assume the corresponding offices without remuneration. Such unpaid volunteer officials may be either appointed or elected, but the peculiarity of the institution does not lie in the mere mode of nomination, but rather in the qualifications of the officials and their relations to those whose affairs they administer.

The control of purely local affairs by the local aristocracy or democracy through unpaid officials, rewarded only by the social or political advantages accruing to the public business of the local community in which they live and consequently are most interested in, is the key of the system.

As has just been hinted, this institution may be of an aristocratic or a democratic form. In the former case the officials may be selected by the government (*e. g.*, the English justices of the peace), or elected by the members of the aristocratic class. When the self-government is of a democratic character, nomination by election is the usual method, with which it is advisable to unite short terms of office and capacity of reëlection. In both cases the

particular branch of local business should be confided to a single person or to a board according as execution or deliberation is the most important function.

It is evident that only matters of local interest can be intrusted to such officials; those of general importance must of course be confided to the civil servants of the state. Nor can the performance of purely mechanical duties, nor of those not held in a certain repute, be expected from functionaries serving without pay and for the honor of office. Affairs too, requiring a special technical knowledge (*e. g.*, that of jurisprudence), must likewise be excluded from the sphere of the duties of unpaid volunteers.

It is evident that this institution can only exist under certain political and social conditions. In its aristocratic form it presupposes the existence of an actual aristocracy, possessing the proper moral qualifications, education and public spirit. So too it cannot exist in its democratic form where the mass of the people are very ignorant or very poor, for the requisite number of competent persons with sufficient means to devote the necessary time gratuitously to the community, cannot be found.

Whatever may be the manner in which this institution may be organized, it has certain advantages as well as disadvantages peculiar to itself. Under the former may be enumerated the following: Personal and every-day familiarity with the affairs administered; regard for the substance of transactions even at the expense of form, a thing which is the reverse of what occurs with professional officials; zeal in the discharge of the duties assumed; cheapness; education of the people in the knowledge and transaction of public affairs; the furnishing of a school for training public men, and especially members of legislative bodies; prevention of a weak dependence upon the central government for everything; finally, the impossibility of the governments using such functionaries as tools of oppression and illegality. On the other side of the account there are considerations which must not be overlooked. Thus the spirit of such officials may be an entirely too narrow one, and each locality may proceed according to its local interests in execution of a general law of broader views and purposes. The dependence, too, of such unpaid voluntary functionaries upon their subordinates may easily be too great. The regular formalities of public business will be frequently disregarded. It will be difficult to enforce a strict responsibility except in cases of intentional or gross violation of duty. It is besides doubtful whether the influence of public opinion will always be exercised in favor of what is due to the

law and the government. The abuse of their powers by the officials for selfish purposes is also by no means impossible. Still, where the system is practicable, the good will generally predominate. The freedom of the press, the vigilance of representative assemblies, and a proper system of election or appointment and of removal will powerfully contribute to the efficiency of such a local government when once established.

### § 11. *Summary and General Results.*

From the foregoing it will not seem difficult to form a general judgment upon the different modes of filling administrative offices. In considering the subject from this point of view, we must, however, above all recall that it is impossible that there should be any *absolute* excellence in any given system. Such an excellence is rarely if ever to be found in human affairs, and we must be satisfied when the good characteristics of any such institution predominate decidedly over the bad. This is especially so, when general and personal interests of such different kinds are constantly clashing. Only what is relatively good can here be attained. Again, it is evident that no one system of filling offices, whatever may be its nature, can be suitable for every form of government. When only a mediocre or a bad official system harmonizes with the fundamental principles of a government or the political spirit of a people, such a fact is undoubtedly a great fault in the form of polity in question and weighs heavily in our judgment upon it; but the necessity of continuing the objectionable institution still remains, for so long as we accept the principal thing we must abide by its consequences.

With these qualifications it can hardly be doubted that most can be said in praise of the system of professional officials with a legal right to their offices during good behavior, and, next to it, of the system of unpaid volunteer officials within its necessary limits and when applicable. The first named system, besides being applicable to any kind of public business, makes it possible for the qualifications necessary to a good administration to become general, and encourages the personal respectability and political independence of officials. Its principal disadvantage, that of the possibility of a stupid routine and a servile spirit, may be avoided or at least diminished by a good organization, proper management, and severe inspection of the service and its duties, and a correct system of discipline and moralization of the whole official body. It is true also that the expense will always be great.

The employment of unpaid volunteer functionaries for the care of common local interests takes for granted their good will and consent, elevates the citizen, is not liable to political abuse, is cheap, and serves as a school for more important branches of public affairs. It is, however, only applicable when the general political condition of the community is sound, and then only for a not very extensive sphere of business. Besides, too, in either its aristocratic or its democratic form it must accord with the existing political constitution of society.

The system of professional officials without a right in the office, and that of popular elections for short terms, have both of them decidedly worse characteristics. In the first of these it is true that a portion of the advantages of a tenure of right may be obtained by the practice of continuing in place those who have been once appointed, and by good regulations concerning promotion and pensions. All this, however, cannot produce the same feeling of security. Consequently, the amount of preparation for the civil service career, and the political independence of officials, must be less than under a secured tenure. Nor can the official body enjoy the same amount of public respect and esteem. The expense is besides as great in the one case as the other.

The election of paid officials by the people, is very proper in a democracy, but only therein, and, when the moral and political state of things is sound, may produce fair and even excellent results. It furnishes, however, no security therefor, since no thorough preparation for the public service can be expected nor enforced. Frequent elections too are troublesome and inconvenient, and may sometimes be productive of great evils. When political corruption has set in, the public offices are sure of being badly filled, and profound injury to the public weal is unavoidable.

From the foregoing it results that the system of unpaid volunteer officials should, as far as it is practicable, be availed of. For the other places professional officials should be appointed by the chief of the State, whose tenure of office during good behavior and pensioning in sickness and old age should be legally secured, while on the other hand a corresponding preparatory training and thorough performance of duties should in return be exacted. Such public servants should not only be made use of throughout in all monarchies, but also in democracies for at least most posts of the central administration, and for those in which a special professional training is required. Of course for the highest offices of a democracy and likewise for the local offices, elections by the people are una-

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voidable. The system of professional officials without a legal right of tenure, is in normal circumstances neither necessary nor desirable. Only those governments which need a support in the unconditional obedience of the whole body of placemen against a hostile public opinion, regard it with predilection.

## ART SCHOOLS.

READ AT THE GENERAL MEETING, PHILADELPHIA, OCTOBER 27, 1870. BY C. C. PERKINS.

THOSE of us who are interested in American Art Education can hardly look back upon the past year without feeling greatly encouraged as to the future. Last October we could only have expressed our hopes, now we can speak of deeds, and I gladly avail myself of this opportunity of enumerating them to the members of a society whose active coöperation has done so much toward bringing them to pass.

*Firstly.* Preparations have been made for the establishment of Art Museums both in New York and Boston. In Boston, about which I can best speak, we are fully committed to the enterprise. In February last the Trustees of the Museum of Fine Arts were incorporated by act of legislature, and at the end of April the Mayor was authorized by the city government to convey to them a valuable lot of land for its site.

A large sum of money has since been subscribed for the erection of a building and the purchase of works of art, and valuable objects have been presented to the future museum by private individuals. Certain public institutions have also promised to deposit collections of great value in it, on permanent loan, and are pledged to watch over its interests by the annual appointment of some of its trustees from their own directing bodies.

*Secondly.* A bill has been passed in the Massachusetts legislature by which instruction in drawing is rendered obligatory in all public schools throughout the State; and

*Thirdly.* The committee on drawing has been authorized by the school board to make application to the Normal School at South Kensington for an instructor thoroughly capable of directing a similar institution in Boston. Thanks to this latter provision we may hope in time to have many good native teachers trained in a system which has produced astonishing results in England.

While enumerating the wise steps lately taken in furtherance of art education, I must not omit to mention one which is especially



due to the action of certain members of this association. I allude to the decoration of the exhibition room in the new normal school for girls, at Boston, with a carefully selected collection of casts. This effort to influence the taste of the rising generation is a move in the right direction, which cannot fail to be initiated elsewhere.

When we consider that all these measures have been taken within a year, we certainly have reason to hope that the cause of popular education in art which so largely occupies the attention of thinking men in Europe, will soon begin to receive equal attention from thinking men in America. The initiative must come from them through the spoken word, and through the pen. By their agency, manufacturers, mechanics, and artisans must be roused to the importance of a cause which really touches their interests more closely than it does those of any other classes in the country. At present the employers are far more indifferent to it than the employed. A well known professor of drawing lately bore witness to this in saying that during an experience of seventeen years he had met with cordial appreciation from mechanics and artisans only ; and another in relating the story of a workman, who after reading Cardinal Wiseman's popular lecture on the "Relations of Art to Industry," purchased fifty copies of it at his own expense, to distribute among his comrades.

Such indications of interest cannot be prized too highly by those who hope to see art industries raised to a high level by education in art. The object of all such education is to give the artisan power to create, and the public ability to appreciate beauty in objects which not only answer material ends, but also satisfy æsthetic exigencies. Hitherto means have been wanting to effect this. The measures taken have been purely local, and not calculated to affect the nation at large. We have had art schools and art lectures, but without museums of which they are the complement ; we have had many able teachers of drawing, but no body of teachers instructed in one system ; in other words we have had a multiplicity of individual action instead of that unity of action through many individuals which alone can be efficacious. It is because I regard the course upon which we have now entered as likely to bring this about, that it seems to me of so much importance. The steps lately taken in certain parts of the country are no longer local, — they are national ; for so surely as we have art museums and their affiliated institutions in New York and Boston we shall soon have them in other great cities on a similar scale, and in small towns on a smaller scale.

It is evident that we are beginning to realize that art is a powerful agent of civilization; that it is a great humanizing influence, a mine of national wealth when applied to industry; and that it is not only a source of pleasure but a source of power, like all other branches of education. Our slowness in arriving at these convictions is not to be attributed to natural apathy or to poverty of organization, but to the want of these means of culture in art which are enjoyed by foreign nations, and to the absence of those powerful traditions which have fostered and shaped the arts in Europe from antiquity to the present day. Shut out from daily contact with the masterpieces of the past, by which all modern efforts must be measured, we have had no standards of excellence to look up to, and have lived in regard to art, as we should have lived in respect to literature, if we had remained ignorant of the works of Shakespeare, Milton, and other great authors. In such case our best authors could not have attained purity of style, nor can our artists and artisans hope to reach it until they have the opportunity of studying the works of men of genius in their own professions.

This opportunity can now be afforded to them, for art has been so popularized by many means of reproduction that its masterpieces can be brought to our doors. "The Englishman who has never left the borders of the Thames," says a late writer, "can now become as familiar with the masterpieces of ancient art as the Roman who sees the Coliseum every day, or the Athenian who lives under the shadow of the Acropolis. . . . Railroads, machinery printing, lithography, engraving, and photography, have equalized all chances; and in the great contest which Industry is fighting in every part of the globe, the people whom circumstances most favored two or three centuries ago, can only count upon themselves to maintain or attain a high position." To us Americans this fact should speak like the sound of a trumpet. We can no longer excuse ourselves for our ignorance in art, on the plea that we cannot see and study its best examples. Abundant material can be obtained to fill museums and schools of design. At will we can surround ourselves with works of all periods, admirably calculated to teach us what may yet be done by what has been done.

Our task is greater than that which European nations proposed to themselves, for while they had to improve public taste in the fine and the industrial arts, we have to create it. Their foundations were already laid, while we must dig them, as well as raise the edifice upon them. We have, however, one advantage, in that we can profit by their mistakes, and study the causes of their suc-

cess in attained results. To attempt to do this at all thoroughly is of course out of the question within the narrow limits of time at my command. I can only invite your attention to some general considerations upon the course taken in England to improve industrial art, as it forms a more fruitful object of study for us in America than that taken in France or Germany, because when the English entered upon it they were in a position much more analogous to our own than that then occupied by the continental nations. Like us at present, England was then dependent upon foreign countries for her ornamental designs; like us, she was far behind them in art education; like us, she wished to develop skilled labor, and to ameliorate the social position of artists and handicraftsmen; like us, she desired to bring about that fruitful identification of the artist and the artisan which existed in antiquity as in the Middle Ages; like us, in short, "she sought to influence at once the supply and the demand, to instruct the purchaser and the consumer, to permeate a whole nation with a comprehension of the beautiful." At the outset she made a false start, and for fourteen years spent her strength in sterile effort. So far back as the year 1835 a committee of the House of Commons was organized to consider the best means of propagating public education in art, and of spreading a knowledge of the principles of ornamental drawing for the improvement of industrial art. This committee recommended that an institution should be founded "in which not only theoretical instruction should be given, but where also the direct practical action of art upon manufacture, as an essential element, should be taught." In pursuance of this advice a Central School of Design was founded at Somerset House in the year 1837, and in course of time twenty-one schools of the same kind, established in the chief centres of English manufacture, were affiliated to it. Fourteen years later, when the wisdom of the course pursued was submitted to a crucial test at the Great Exhibition of 1851, it was found to have produced no practical results. The work of the pupils of these schools showed an ignorance of the simplest elements of drawing, and it was felt that without such fundamental preparation the principles of ornament applicable to industrial art could neither be taught nor understood.

With characteristic candor England acknowledged her error, and inaugurated a new system, whose success was so triumphant, that within ten years the French government charged MM. Marquérin and Motheré to study the organization of primary instruction in England, and acknowledged its superiority by afterwards reorganizing the French schools on a new basis.

Now let us see what were the causes of this wonderful improvement in England. The first of these was the foundation of the Kensington Museum by Prince Albert, in 1852; the second the organization of a special division of the Committee of the Council, on Education called the Science and Art Department, charged with the administration and distribution of the fund voted by Parliament in the following year for instruction in drawing in primary schools, and with the direction of the one Normal School out of the thirty-five in Great Britain which is directly connected with the State. Here all persons desirous of studying to fit themselves as professors, having passed a preliminary examination, can receive gratuitous instruction, and at the same time aid themselves by giving lessons in neighboring schools. The best are employed as auxiliary teachers in the Normal School with a salary of £20 a year. Six diplomas given by the Science and Art Department, each of which entitles the recipient to £10 a year, must be gained before they can teach in the provincial schools dependent upon it. The first is bestowed after a satisfactory examination in the elementary principles of drawing and water-color painting; the second requires a knowledge of the principles of painting and ornament, and of their styles at different epochs; the third of the drawing and painting of figures; the fourth of modeling ornament; the fifth of modeling the figure; and the sixth of machine and architectural drawing. The persons whose qualifications are thus certified by the Department, are proposed by it as teachers to all directors of schools or educational committees who may make application for their services. The schools which ask for pecuniary assistance are subdivided, and their progress is watched over by appointed inspectors. The Department controls the Industrial Museum at South Kensington; regulates the ambulatory museums containing reproductions of fine works of art which are sent about the country for temporary exhibition, and from time to time organizes national and international exhibitions in London. These institutions are all intended to benefit not only artisans but the general public, the consumers as well as the producers. I shall not take up your time by repeating what I have already had occasion to say elsewhere about the museum and the exhibitions connected with it; my object to-day is to speak more especially of Art Schools, and to point out how they may best be administered. The regulations of the Science and Art Department in regard to local schools of art are examples of most effective administration, and as such I would call your attention to them. Relations between the Department and such bodies

are formed in this way. Some public spirited persons in a provincial town desire to have instruction given in elementary drawing, and a general knowledge of art propagated throughout a county district. Their first step is to form a committee of leading artisans, who are instructed to apply to the Science and Art Department for aid in founding an elementary school of design. This aid, which consists in granting a subsidy, and in furnishing a master from the Kensington Normal School, is granted on the following conditions: *First*, that in the town where the art school is to be established there shall be at least four primary schools (*i. e.* schools for poor children), ready to receive instruction in drawing, and able to pay towards it an annual sum of £5 each; *second*, that the school-masters as well as the scholars shall take lessons; *third*, that a special locality shall be set apart for the art school; and *fourth*, that the teacher shall be allowed to give private lessons, provided the salary which he receives from the pupils does not suffice for his livelihood. Three times a week this teacher is obliged to hold an evening school for artisans, each of whom pays him the modest sum of sixpence. His other means of subsistence are at least half the receipts of the art school, an annual sum of £10 for each of the diplomas which he holds, and the prizes given to him by the Department, which are proportioned to the number taken by his pupils in the competitions organized by it. Once a year every art school is visited by an inspector, before whom the pupils are required to make drawings, the best of which are recompensed; for each drawing so distinguished the sum of £2 or £3 is also given to the teacher. Other drawings prepared beforehand from models designated in a list furnished to the schools by the Department, are examined by the inspector, who premiates any one of remarkable excellence by a local medal. With this is coupled the title of "Prize Student," and a year's free instruction in the school. Furthermore the school receives a present of some works upon art, of engravings, photographs, or models of the value of ten shillings, which go to increase its collection of objects for study. Every year one of the recompensed drawings is sent up to London to compete with others of the same kind for the grand national medal. This entitles the school where the successful competitor was found to a prize of £10, which is to be spent in purchasing good models from those prepared by the Department.

The completeness of this system must strike every one,—it is put together like an ingenious piece of mechanism, and yet works with elastic freedom. The central body educates teachers, and

offers them to all who desire instruction. It leaves them free to refuse, but if they accept it binds them to fulfill certain conditions essential to progress. In obliging them to contribute toward the support of the teacher, it preserves to them their sense of independence; and in recompensing him for each proof of the efficiency of his lessons, it gives him a material interest in their progress. Lastly, it makes every good drawing a means of general good, inasmuch as by it a certain number of good models are brought into the school. This last provision, which insures an abundance of the best material for study to the pupils, is admirable. French professors have made great complaint of the small supply of good models to Art Schools in France, and of injudicious selection. That they were right was proved by that generally feeble character of the drawings from French Industrial Schools exhibited at Paris in 1863 and 1865, pointed out in the reports of the two exhibitions. These reports acknowledged that the English drawings exhibited at London in the previous year were incontestably superior, and signalized the excellent choice of models as the cause of this superiority. "Good models," says M. Allard, "are the real masters, of which teachers are but the more or less able interpreters." It is self-evident, indeed, that if the model set before the pupil is complicated and overloaded he will exhaust his strength in painful effort, and attain but a poor result. He should have progressive models, clear in outline, each calculated to push him on from one difficulty to another; and if these models are in relief, they must be marked by sober indications of the different planes marking the passage from shadow to light. Furthermore, he needs to have them explained by an intelligent instructor who can teach him to work understandingly. For primary instruction geometrical models and common objects are used in England to teach the alphabet of form. Having mastered these the pupil is required to amplify or reduce the model set before him, and thus acquire an idea of the relative proportion of parts, and be able to seize them by the eye. This is what the French call "*interpretation raisonnée*." Then he may strengthen his memory by attempting to draw without the model what he has already copied. In the Kreling school at Nuremberg drawing from the graphic model and literal copying are forbidden, and modeling from drawings or from the antique is always done on a different scale.

The English and French reports on the Great Exhibition at Paris threw much light upon the best systems of instruction for Art Schools. In Mr. Ridgman's report on Application of Drawing

to Industry, he thus defines the difference between the English and French systems: "The English course of teaching," he says, "seeks to attain freedom of thought and knowledge by careful and precise imitation, while the French seeks facility and fluency without such foundation." The French workman commences with linear drawing both with instruments and with free hand; but in the latter practice without aiming at precision of outline, like the English draughtsman. He uses the stump far more than the point, and attains decorative freedom at the loss of some correctness and truth; he copies modern lithographed studies of ornament instead of making careful studies from the antique, first from flat copies then from the round; and instead of drawing plants and foliage from nature like the Englishman, copies chiefly flat examples of these objects, which have been already generalized by the decorative artist. Furthermore he receives but little instruction in the historic styles of different periods, or in the principles which should guide the decorator in the application of ornament to fabrics and objects of general use. "France," says the English reporter, "needs better models and more precise instruction, to act as a corrective to a weak exuberance observable at times in her decorative art; while England would benefit by an infusion of French practice to correct her tendency to coldness and apparent want of inspiration."

The best systems have identical aims. These are to give power and accuracy of observation to the eye, to discipline the hand, to purify the taste, to strengthen the memory, to enable the pupil to work at once truly and rapidly. To bring about these results the pupil must always have the best models set before him; he must be able to enlarge or diminish them with strict regard to relative proportion of parts to the whole, and to repeat them when the model is removed from his sight; he should be taught to model from drawings, as well as to draw from the round. Time drawing is a most useful exercise to give him facility of execution. In early stages the blackboard is better than the paper, because the tyro will not be afraid to make mistakes, and will attack his subject with boldness. Outline drawing can hardly be too long practiced before proceeding to shadow; for form is the essential, *chiaro-oscuro* is the accidental; and when once the first is thoroughly mastered, little difficulty will be experienced in acquiring the second. In figure-drawing the scholar must learn to seize the essential points which denote action before endeavoring to shape the muscles elaborately, and these he must mark clearly and decisively. Sobriety and clearness are the best qualities in a drawing; and to

attain these, detail must be kept strictly subordinate to general effect. In all the range of art no models are so well calculated for study in view of the attainment of these qualities as the marbles of the Parthenon, because they are masterly abstracts of the human form, — perfect embodiments of its essential elements, and realizations of that idea of excellence, which, in the words of Sir Joshua Reynolds, is the result of the accumulated experience of past ages.

In view of the lessons which might be learnt from study of the organization of foreign Art Schools it would be desirable to treat the subject much more fully ; but as this is not now possible, it remains for me briefly to draw some conclusion from what has been said, as to how far we can hope to adapt their best features to our own wants. It is evident that progress in England is due to the action of the South Kensington Museum and all its affiliated institutions upon British artisans and the British public ; and it is equally clear that the wise administration of the sums granted by Parliament for their support, by the Science and Art Department, has given them power to act efficaciously. Our difficulty, then, does not lie in seeing what ought to be done, but how that which is done under a monarchical government can be best done in a Republic. Even if such institutions are to become self-supporting, as we believe they will become in course of time, we want large sums of money to start them, and to sustain them, until the public be so convinced of their utility that it will take the task out of our hands. But how are these sums to be obtained ? Not, as in Europe, from the State, which not only decrees but endows the museum and the art school ; but from thousands of individuals whose interest must be excited in the matter before they will contribute to their support. This is a very difficult task, and we may doubt whether any really *national* institution can be organized until local institutions, such as New York and Boston are about to found, have raised the estimate of the value of art throughout the country, and created a general love for it. In all other branches of education we acknowledge the necessity of State help to enable us to do those things which must either be done by some central authority or be otherwise left undone ; and this because we agree with J. S. Mill, “ that help in education is help towards doing without help, and is favorable to a spirit of independence.” We approve, then, of the principle of intervention in all branches of education which we consider important, and as we neither ask for it nor expect it as regards art, it is plain that we as yet hold this in small esteem as an educational means. Until we alter our opinion on this point, grants



from Congress and State legislatures for art projects are not among possibilities ; and all aid must come from individuals, who are, therefore, called upon to do a double duty, — to labor not only for a local but for a national end. It is true that those who promote art interests in a particular State or city indirectly promote them throughout the land ; but this is not enough. We not only want local committees, but also one central body, whose business it shall be to watch over these local committees, and to promote the common cause. The Social Science Association has proved that such an organization is not impossible. It seeks to bring men together who have knowledge upon special subjects, and to make their knowledge generally useful. Within the last year or two it has included the promotion of art education in its programme ; why should it not go a step further, and create an art department which shall stand in the same relation to it as that in which the English Science and Art Department stands to the Committee of the Council on Education ?

Such a body would certainly be of the greatest service to the cause. Nor do I see, from what I know of foreign experience, how it can be effectively promoted without it. Remember that England failed until she created the Science and Art Department, and that the great continental nations have, with hardly an exception, borne witness to her success through its agency. Convinced as I am that we also must take the same course, I would conclude my remarks by proposing the following resolutions : —

1. That a special division of the Social Science Association be created under the name of the National Art Department.
2. That this body be composed of two or more persons to be hereafter nominated from each of the principal cities of the United States.
3. That its first duty shall be to prepare a scheme of action calculated to promote the cause of art education throughout the United States ; and its second to take such steps as may be deemed necessary to effect that purpose.

## INDUSTRIAL DRAWING.

READ AT THE ROOM OF THE ASSOCIATION, BOSTON, JANUARY 2, 1871. BY C. O. THOMPSON, PROFESSOR IN THE WORCESTER FREE INSTITUTE.

It is not necessary to enter upon any discussion of the utility of drawing, whether considered as a necessity or as an accomplishment. If any one has doubts on this point, he should at once consult the Report of the Paris Exposition, and observe that drawing is as much a part of the training of the excellent French or German artisan as the use of his tools. He may also note, with great profit to himself, the present dependence of American manufacturers upon foreign models, and the fact that only a small number of our journeymen mechanics can *read* a working-drawing, to say nothing of making it; and the fact conceded by all intelligent master mechanics, that if every journeyman in the shop could read a drawing so as to be trusted to work from it, the productive capacity of the shop would be vastly increased. It concerns us now especially to inquire how more ample facilities can be provided for journeymen, apprentices, and all other persons, in this most important branch of knowledge. The inquiry naturally resolves itself into three parts: 1. Who shall provide this instruction? 2. For whom shall it be provided? and 3. What are, on the whole, the most practicable methods and apparatus of instruction?

In discussing these points I shall only give the results of the experiment at Worcester. We took the law in good faith and have done our best to give it all possible efficacy; but no general principles can be deduced from so narrow a field. What I wish is to contribute such facts as we have to the general fund, in the hope that by repeating this experiment in every considerable town in the State some systematic scheme may be at length devised.

First, then, who shall provide this instruction? The law says (Acts and Resolves, 1870, chap. 248): "Any town having ten thousand inhabitants *shall*, and any town having half that number *may*, maintain schools for free industrial drawing." The law in its present phase means something or nothing, according as the towns accept their duty and discharge it with fidelity.

The right of any town to maintain a school for drawing is as

clear as its right to maintain a high school or a free public library. To either of these institutions any citizen is welcome, under certain salutary restrictions; but to neither of them do more than a small minority ever actually come, as statistics show. But those who do not personally participate in the blessings of the school or the library feel the beneficent contagion of a larger intelligence and broader benevolence, which flow from those fountains through those who drink from them. The drawing-class meets a want which neither the school nor the library provides for (and cannot provide for under the existing forms), and at all centres of business is as much demanded as either.

The Worcester School Board, acting under the authority conferred by the statute, at once said: We will open this class for thirty evenings, if twenty persons shall apply within a specified time. The Superintendent issued his notice to all persons over fifteen years of age. More than two hundred applied before the opening night. Excluding all of these who were members of the public schools, on the ground of previous provision, there were one hundred and forty-five persons to be organized into classes for instruction in drawing. This brings us to the inquiry, Who shall receive this instruction?

Evidently a class of persons quite distinct from scholars in our public schools is contemplated in the statute. For them ample provision is, or ought to be, made in the schools. Almost all the large towns in New England have seen their long neglected duty in this matter, and have made drawing a part of the course of study. But there are thousands of men, women, and children who have passed through their school-life without this instruction, who still need it. They are apprentices, artisans of all sorts, who need this knowledge in their business, and men and women generally who have undeveloped talent for drawing as an art.

At this point it is unfortunately necessary to discriminate between drawing as a necessity and drawing as an accomplishment. For a first class workman to be able to express his ideas of form correctly and to read a drawing made by another, is just as necessary as to know a straight line from a crooked one. On the other hand, a good drawing is a very creditable performance in itself, and apart from its practical uses. In the latter sense it is an accomplishment. To illustrate. About one man in ten can be called a good penman, but almost every man can write intelligibly. So of artisans; all can learn to draw well enough to express their ideas of form and proportion intelligibly, and about one in ten can learn

to draw with elegance. A single fact may help us. In Saxony the boys spend but little more time in writing and drawing than ours in *writing alone*, and excel ours in writing, at that.

Now some say we must not undertake to educate *men* at the public expense. Children are the only proper objects of public instruction. But we have from time immemorial helped to educate men in colleges for the professions, and, more recently, for agriculture and the mechanic arts, and the expenditure is justifiable on every ground. Why should we deny to the mechanic, who can only be taught in the evening, what we accord so liberally to the more careless student? When the man whom we have undertaken and promised to educate finds at the outset of his active life that he is deficient in an important part of his education, can we in justice refuse him his only remaining chance of remedying that defect?

Two facts will show us some of the bearings of this subject on two of the important questions of the hour, — Labor and Woman's Rights.

In all the leading French and German workshops, every regular mechanic can make a free-hand sketch of any part or of the whole of any machine he is working on, or of any one he invents. Suppose every American workman could do this, and the thousands of improvements, small and great, that are constantly caught up by master workmen from their employees, and so passed into patent rights, would be saved to the rightful owner.

In London more than a thousand girls earn a handsome living by making designs for illustrated books, prints, etc. Probably as many proportionally do this in every large town in the kingdom. If every girl at school and out of school were properly taught drawing, some, at least, here as in England, would become proficient enough to retire from the frightful list of "unemployed women."

It is not necessary to suggest the immense advantage which the ability to draw would give every master workman, both in saving time and securing accuracy. There is one such man in the Worcester class, sixty-three years old, learning what the schools ought to have taught him fifty years ago.

Whether our duty will be done when all the graduates of our schools have been provided for remains to be seen. Years must elapse before that is done, and by that time we shall see clearly, I hope, that our only hope of eminence in the mechanic arts lies in providing ample and extensive facilities for educating the workman in the line of his labor.

These considerations are weighty, but the movement for evening instruction in drawing would be justifiable were the only object in view to put it in the power of every citizen to discriminate between what is ugly and what is beautiful, in material forms.

Our third and most important inquiry is, What are, on the whole, the most practicable methods and apparatus of instruction?

The statistics of the Worcester class will be of some interest, as furnishing data for some computations.

As has been stated, the class numbered at the outset 145 — 136 men and 9 women. They were organized alphabetically, in two divisions of 73 and 72. In respect of age, there were one over 60, two between 50 and 60, four between 40 and 50, twenty-eight between 30 and 40, sixty-one between 20 and 30, and forty-nine under 20.

In respect of occupation, there were of machinists, 42; carpenters, 26; pattern-makers, 7; teachers, 9; masons, 3; farmers, boot and shoemakers, clerks, and architects, 4 each; organ builders, book-keepers, painters, armorers, and engravers, 2 each; insurance agents, civil engineers, reed-makers, engineers, upholsterers, moulders, wire-drawers, blacksmiths, 1 each; miscellaneous, 24.

Since the class started, two weeks ago, five have given their places to others, and six have dropped out. More than half the class walk two miles to get the lessons, and more than two thirds of them are usually in their seats half an hour before the time for beginning. Only five of them have ever been in a drawing class before, though voluntary classes have been held in the city for many years.

It is pretty clear that drawing is something more than a mere accomplishment, and that there are a good many men among our most valuable citizens who crave, but cannot afford to pay for instruction in it.

Each lesson is an hour and a half long, and they may be conveniently and effectively given semi-weekly during the early winter months. A course of thirty lessons may be so planned that another course of a more advanced sort may follow them the succeeding winter.

The first ten lessons should be in free hand drawing. This is of great value in itself, and as a preparation for instrumental drawing.

The course of instruction for this introductory instruction is as follows, namely: —

Three lessons in horizontal and vertical lines and plane and ornamental forms composed of those lines.

Three lessons in curves.

Two lessons in perspective.

Two lessons in review.

In a class of a hundred and forty-five there will be some persons who prefer to devote the whole time of the course to free-hand practice. At Worcester there were forty-eight such. So at the end of the tenth lesson a free-hand class of forty-eight, and two classes in mechanical drawing of forty-four each, were organized. The free-hand class go on with the course already begun under Professor Gladwin; the others receive instruction for the lessons in descriptive geometry, and for the rest in problems adapted to their wants. One is taught by Professor Alden, of the Free Institute, and the other by Mr. Higgins, Superintendent of the Washburn Machine Shop. There is one assistant, a student of the Institute, who divides his time between the two classes; but for the highest efficiency each class should have an assistant.

The Worcester classes are fortunate in having so good instructors at hand, and in finding them willing to undertake the work. No amount of culture or of skill are too good to be put at the service of such classes. It is just as absurd to argue that anybody will do for a teacher of "these evening classes" as it is to urge "cheap teachers" for primary schools. Any one who has seen Agassiz at a teachers' institute can understand precisely the bearing of these remarks. A good teacher at any price is cheaper than a poor one at any price. He is the vital part of the whole scheme. It is required of him that he be a skillful draughtsman, be apt to teach, of good training, of large executive ability, and of great personal magnetism. For drawing demands some thinking and gives generous discipline to the perceptive and imaginative faculties, if it be managed by a teacher who knows how to call these qualities into action. This teacher has pupils whose minds are dulled rather than brightened by their daily duties, but who come nevertheless with a sharp appetite for the semi-weekly lesson. They want to see their teacher stand at the blackboard and draw, — not only that, but make every line with such spirit and decision that their own fingers will follow his by a spontaneous movement. There is not only the result, but the agency that produces it; and there is a willing heart to guide their own imperfect work. This is true, at least, of all free-hand instruction. Whether charts and drawing cards, etc., are better than nothing, I do not know. Very likely they are. But I am sure that as lacquer and varnish are among the chief obstacles in the way of the beginner in physical research,

so text-books, charts, etc., hinder more than help such pupils as gather for instruction in free-hand drawing.

How such teachers are to be secured without a Normal School or a Normal Class I cannot see. Because any man or woman can draw well, or has had private pupils now and then, or has taught drawing in public schools from drawing cards, it is utterly unsafe to infer that he can manage such classes as we are speaking of. In order to do *that*, he must carefully systematize the subjects to be presented, study the best ways of presenting them, and have every result in his mind; so that in the class-room the only implement in his hand is a piece of chalk, and in the pupil's a lead-pencil. The teacher, of course, has a blackboard before him, and the pupil a convenient table, a drawing board about 20 by 24, drawing paper, and a bit of rubber and a few tacks. Under such circumstances, a good teacher, to plan the work and illustrate it step by step, with an expert assistant at the elbows of the class to explain an obscure point, to correct mistakes, and to ease clumsy fingers, can accomplish something in thirty lessons of substantial value, small though it be, and in the lessons can open the way to larger and better results from a mechanical course.

For this extended course of free-hand work some large wooden models are very convenient, as well as some casts in plaster. The models should be a cube of two feet edge, a sphere, a cone, a cylinder, a hexagonal prism, a hollow cube and a section of it, a pyramid, a truncated cone or pyramid, and a regular tetrahedron.

The cost is very trifling. As to plaster casts of art studies there is a considerable assortment for sale in New York by Harrie Coffee, and ten or fifteen dollars will buy a fair supply. But doubtless in every town a loan collection could be made from private sources, which would be just the thing wanted.

Now, if any one raises the very fair question, whether, after all, in such classes as I have described, any results are obtained at all commensurate with the expenditure, I can only answer by submitting to his inspection the results thus far obtained.

For the first course of twenty lessons in mechanical drawing, a good part of the time, say three quarters, is spent in learning the elements of descriptive geometry. Descriptive geometry *is* mechanical drawing in one sense; that is, it is the method of representing any object in horizontal and vertical projection, in any position. A knowledge of geometry proper is of incalculable value as a preliminary, but is not indispensable. The problems to be given must be selected with great care, and the aid of a blackboard

contrived so as to show the two planes is of great importance. A teacher can get some very useful hints by consulting a set of lessons given at the École de Dessin, Paris, by Messieurs Petitcolin and Chaumont. These papers are now unfortunately rather scarce, but as they are the only really systematic and practical things of the sort, a reprint will undoubtedly appear before long. The remaining fourth may be devoted to simple or complicated problems in construction, according to the proficiency of each pupil. Some simple models are required in this class also, which can be had at small expense. The excellent hand-book of Professor Warren will be of great service to the teacher, and at some time to the pupil. It will be observed that the method of instruction recommended for the mechanical classes differs widely from the one usually followed in classes connected with our voluntary organizations. That plan is to give the pupils certain arbitrary rules for producing certain results, and pupils are generally allowed to choose their own studies. This plan contemplates the mastery of the great principles of projection, so that the pupil can delineate any form he wishes, and put it in any desired position.

Pardon me for urging again that the common and highly objectionable plan of teaching by text-book will not answer the demands of the hour in regard to this form of knowledge. Some convenient hand-book may be very well for the pupil to consult in case of doubt or forgetfulness, but no such thing should ever be seen in the class-room.

Some practical questions naturally arise.

What apparatus must the town furnish and what the pupil?

The town must open a convenient room, warmed and lighted, and must equip it with tables and blackboard. One of the public school-rooms will do, in most cases. If the room must be furnished with tables, very good ones can be made, as at Worcester, for two and one half dollars each. A regular draughtsman's stand, of iron, is made there for about eight dollars. The town ought also to furnish a few models.

The pupil must supply himself with drawing-board, paper, pencils, instruments, etc., etc. In regard to instruments, a pair of adjustable dividers, a pen, a scale, a L-square, and a triangle are all he needs. He may entirely forego a varnished box, and wrap his metallic tools in a bit of chamois leather, which many draughtsmen prefer to a box. Six dollars may provide him with all he needs. If he cannot afford this it is clear that he does not attach value enough to the instruction he is seeking to put it to any use in his



own business. If he learns anything and means to do anything, he will need his instruments. They should, of course, be of the best quality, so that the set can be enlarged at will. I do not need to add that the draughtsman should not waste his money in buying cheap "sets of instruments." The Swiss are the best.

What do these classes cost?

A good teacher ought not to work for less than ten dollars an evening for a single class. For large classes and extended courses, more favorable terms can of course be made. The cost of incidentals is two dollars per evening, and at least fifteen dollars should be expended for models.

Suppose the School Board will not move in the matter, what can be done?

Clearly nothing but to organize independently of the Board, pay the sum required to carry on the class, and appeal to the town at the next town meeting.

Where can we get teachers?

This is a hard question to answer. A normal class in lieu of anything better ought to be maintained by the Commonwealth at some convenient centre during a few months in the summer, where the really skillful draughtsmen in the State can learn how to teach their art. As things are now, in general, reliance must be placed on the few gentlemen in Boston and Worcester who are willing to undertake the labor.

I have thus given a simple practical statement of what is doing at Worcester in industrial drawing, as you requested, and some suggestions that have sprung up by the way. No one can be more sensible how much more ought to be done; but considering the depths of popular ignorance and prejudice on the subject, and the general apathy toward all educational reforms, it seems best that its friends and promoters should undertake at first only what can be thoroughly, successfully, and cheaply done, trusting that such large and beneficent results will follow these small beginnings that public sentiment will demand, after clear demonstration, what the public good so clearly requires.

## MUSIC IN PUBLIC SCHOOLS.

READ AT THE ROOM OF THE ASSOCIATION, BOSTON, APRIL 3, 1871.—BY J. BAXTER UPHAM,  
CHAIRMAN OF THE COMMITTEE ON MUSIC OF THE PUBLIC SCHOOLS OF BOSTON.

IN accordance with the request of this association, I will state, very briefly, my views as to the practicability of some easy and inexpensive plan of elementary instruction in music, which might be readily ingrafted upon the system of common school education, as we find it in New England and in many other sections of our country. As to the benefit of such instruction, — if properly carried out, — its agency in the formation of a refined and melodious speech, its efficiency as a means of recreation and of discipline in the school-room, and its humanizing influence upon both teacher and pupil, the best educators in other countries and our own are now agreed. The almost universal ability of children of the school age to appreciate the sounds of the scale and acquire some knowledge of music in its simpler forms has been abundantly proved. Said Mr. Sheldon, a late master of the Hancock Grammar School, speaking upon this point, "In my school of about 1000 girls, less than a dozen were unfitted, from all causes, for attaining to a fair degree of success in this department of culture." This was before the introduction of music as a required study in our primary schools. Very recently the question was tested in the primary and younger classes of the grammar departments in the Boston schools, by a delegation of the Committee on Education from the State Legislature. The result showed that in the lowest primary class of about 40 pupils, whose average age was  $5\frac{1}{2}$  years, some half dozen pupils were found who could not sing in tune. As you proceeded upward in the school these instances became less frequent; and when the second year of the grammar course was reached, in a class of 108 pupils of the average age of 12 to 13 years, not a single discordant voice could be found. Mr. Mason assures me that he is accustomed to disregard these exceptional cases among the smaller children, and to require them to participate in the musical exercises with the others, feeling confident that the voice and ear of such delinquents will be brought up to the standard in due time.

Without discussing the many interesting bearings of my subject

in an artistic sense, I will come at once to the practical issue. Can music, in its elementary and simpler forms, be generally taught in the common schools of our land? Can it be taught effectually and at the same time economically? and if so, how can it be done?

In reply to the first two branches of this inquiry, I say unhesitatingly, yes. It can be taught as universally and as effectually as reading, writing, geography, or arithmetic. For proof of this it is only necessary to drop in at any of the public schools in Boston, in Salem, in Lowell, and some other of the larger towns in this Commonwealth, and examine the pupils in music and the other studies I have named (so far as they have been pursued), and the proficiency of the pupils in music will be found as good as in anything else. That it can be taught as economically as the other branches, will appear when I state that the cost per scholar need not be greater than the price of the text-book which is required in reading, in writing, in geography, or in arithmetic; the only condition for this economy being, as I shall state more particularly further on, that a town or group of towns shall be large enough to allow the employment, at a reasonable salary, of a person competent to set in operation and generally to direct the plan of musical instruction.

In answer to the latter part of the inquiry — How can these results be attained? — I will attempt to describe, in a few words, the plan of musical instruction, as at present carried on in the public schools of this city, it being allowed upon competent and impartial testimony that the plan as here adopted is, on the whole, satisfactory and successful.

The chief points of this plan have been briefly and correctly stated by Mr. Philbrick in his last semi-annual report to the School Board. "On entering the primary school at five years of age," says this report, "the child is at once taught to produce musical sounds, and to sing little pieces adapted to his capacity. From this point the course of musical instruction is continued by an easy and just gradation all the way up through the primary, grammar, and high schools." "There are two features of the system," continues Mr. Philbrick, "which produce a strong impression upon the minds of competent visitors from other States and countries, — the thorough scientific training imparted to the pupils, and the provision requiring the instruction to be given mainly by the regular school teachers, aided and superintended by a limited corps of professional teachers of music."

At first but very little is done with text-books. A blackboard,

a piece of chalk, and a pointer are the implements mostly required. Very soon a series of charts is had recourse to, by which the teacher fixes the attention of the pupil upon the signs and characters employed in musical notation, and leads him by gentle and progressive stages up to the point at which it is as easy for him to read at sight and express in singing tones a musical phrase upon the staff, as to understand and articulate in words a paragraph in his School Reader.

The organization of the musical department of the Boston Public Schools is now as follows : —

The general control and supervision of the whole plan of musical instruction rests upon one responsible head, who is called the Supervisor of Musical Instruction in the Boston Public Schools, etc., whose duty it is to exercise a care and responsibility over the whole musical department of our educational system similar to that now exercised by the master of a grammar school over the various classes in the district under his charge. He is at the same time teacher of music in the high schools. The grammar department, which, under the new arrangement in gradation, consists of six classes in each school, is under the charge of three professional teachers of music, each of whom is responsible for the teaching in two of the classes of the same grade in all the schools of the city, with the exception of those in the newly annexed district of Dorchester. The primary schools are in like manner placed under the charge of one professional teacher, with the exception of Dorchester, as before mentioned. In this last-named district all the classes of the primary and grammar departments are for the present under the general charge of a single professional teacher; this provision is only temporary, it being intended another year to merge these schools in the Boston organization. All the officers and teachers above alluded to are subject to the executive authority of the Standing Committee on Music, who derive their power from the School Board.

Ten minutes in each session in the primary schools, and fifteen minutes each day in the lower classes of the grammar schools, are required to be devoted to instruction in music by the regular teachers of the schools. The first and second classes of the grammar department devote one half hour each week to this study, under the personal instruction of the professional teacher, and it is hoped that the Board will allow the further provision that ten minutes each day shall be given to such instruction by the regular teachers in these classes, in like manner as in the classes of a lower

grade. In the high school, a specified number of hours each week is given to this study under the personal tuition of the professional teacher, and, in addition, in the Girls' High and Normal School, such instruction is required to be given as shall qualify the pupils to teach in their turn this branch of study in our common schools.

The number of pupils whose musical instruction is under the general charge of the various professional teachers may be stated as follows : —

In the primary schools, under Mr. Mason . . . . .	14,387
In the two lower classes of the grammar department, under Mr. Alexander . . . . .	7,814
In the two middle classes, under Mr. Holt . . . . .	4,511
In the two upper classes, under Mr. Sharland . . . . .	2,428
In the high schools, under Mr. Eichberg . . . . .	1,355
Besides which there are in the primary and grammar schools in the Dorchester District, under Mr. Wilde . . . . .	1,798

— This in August, 1870.

A definitely arranged programme of the course of instruction, so far as the primary schools are concerned, has been adopted, and printed in the Rules and Regulations, and a similar programme is in progress for the grammar schools. Pianos, the best of their kind, have been placed in all the high and grammar school-houses, and to a considerable extent in the properly graded groups of the primary schools ; which pianos are required to be kept in order and in tune, and to be used as *aids to, not as substitutes for*, musical instruction. The rooms without pianos are being supplied with a simple pitch-pipe, which can be made to give any sound of the middle octave in the treble clef.

An important point has recently been made in the establishment of classes for normal instruction in music among the teachers of all the schools, which is being carried out more or less faithfully by the professional teachers.

A combination of vocal and physical training, in connection with their musical tuition, has been devised for the younger pupils by the joint effort of the teachers of vocal and physical culture and of music. This proper training of the voice, it has been well remarked, is the best possible preparation for singing. A systematic and progressive course of musical instruction is thus given to all the pupils of the public schools in the city of Boston, — except the boys of the Latin and English High Schools, where the plan is not yet fully in operation, — commencing with the children of five or six years of age, when they first enter the primary school-room,

and ending with the highest class of the pupils of the Girls' High and Normal Schools, who are themselves preparing to become teachers in their turn.

Let us go over this method of instruction in somewhat of detail. And I will confine your attention more particularly to the stages of instruction during the period of primary and the lower half of the grammar school pupilage, *i. e.*, a period extending from the age of five to about twelve or thirteen years, this being the compass within which the large majority of the children attending our public schools may be found, and, to my mind, by far the most important age for public musical education.

The first attempt of the teacher is to gain the attention of the children by singing to them some easy melodic phrase within the range adapted to their voices, and asking them to repeat it after him, — to imitate the sounds he has given them, in their proper order. This, after a few trials, the majority of the class will do. Some ten or fifteen minutes are spent in this way, and they have taken their first lesson in music. It is purely a matter of rote-singing, of the easiest and simplest kind. The interest of the children is excited, their attention aroused, their appreciation of musical sounds for the first time perhaps awakened. A few lessons are given in this way at the outset.

But true rote-singing, as Mr. Mason has happily expressed it, is “a very different thing from the ordinary ‘hap-hazard’ singing we too often find in our Sunday-schools and in common schools where no regular instruction in music is given.” It is an appeal to the imitative faculty, which young children possess in so great a degree of perfection; and hence the greatest care should be taken that the example be a proper model for imitation as regards method and style, and purity and correctness of tone, even in the utterance of the simplest musical phrase. These preliminary rote-lessons should therefore be given, when possible, by the professional teacher himself. And they must needs be few and not long continued.

Even at this early stage in the musical instruction great attention is given to the formation of a proper quality of voice. The difference between a good and bad quality is illustrated by examples. The child is called upon to use a smooth and pleasant intonation in speaking, in reading, in recitation, and in singing. Above all, he is taught to avoid a noisy use of the voice.

As preliminary to the exercise of the voice in singing — and it applies to the reading as well, — the young children are trained in the following points: —

1. A proper position of the body.
2. The right management of the breath.
3. A good quality of utterance, as just mentioned.
4. The correct sound of the vowels.
5. A good articulation.
6. Intelligent expression.

Care, too, is to be taken in the singing exercises of young children, that too great a compass be not attempted. The child is allowed to sing only in the middle register, or where he makes the tones with the least effort. Commencing our instruction with the rote-singing, as already stated, only the first five sounds of the G scale are attempted at the outset. Even within this limited range many of the best juvenile songs may be found. After the voice has been well practiced in this compass, it may be extended upward and downward to a judicious extent, taking care *not to strain* the voice in the least degree.

The pitch and compass of the voice having thus been attended to, musical phrases of easy rhythmical structure are next taught in double and in triple time, the rote method still being used. Various devices are resorted to to attract and keep the attention of the child to the lesson (*i. e.* marking the movement by a curve upon the blackboard, holding up the hand and pointing out the motives, sections, and phrases upon the fingers in turn, etc., etc.). At this stage, musical notation, in its simplest form, is begun. The teacher explains—gives examples which the pupil is required to imitate. With all these, practical exercises upon the sounds of the scale are intermingled.

In the second year of primary instruction, the pupil is taught to know the different kinds of notes and rests, to understand the nature of quadruple and sextuple time, and the manner of beating the same, the accentuation as applied to music, etc. He is also mildly indoctrinated into the mysteries of the chromatic scale, so far as the simple change from the natural into the keys of G and F major is concerned.

In the third and last year of primary instruction, he is taught to describe by its intervals the major diatonic scale, etc., etc.

In the lowest class in the grammar schools, the pupil is rapidly led over the whole ground taken in his primary course, now and henceforward by reference to the musical characters; rote-teaching and rote-singing being for the most part abandoned. The child is now expected to begin to read the notation of simple musical phrases at sight. I cannot better explain the progress and method

of instruction in the lower grades of the grammar classes than by quoting the words of Mr. Holt, in his recent report of his doings, to Mr. Eichberg, and which appears as an Appendix to the Semi-Annual Report of the Standing Committee on Music, under date of 20th December last. He speaks as follows:—

“In my sixth class is commenced an intellectual study of the sounds of the scale.

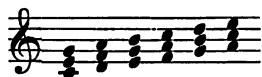
“To illustrate: Children are taught to recognize any sound of the scale, by its scale name; as, 1, 2, 3, 1, 4, 2, 5, 6, 4, 7, 8, etc.; and they will produce the same at the dictation of the teacher. This is to educate the ear.

“One or two minutes are spent in this exercise, which are followed by a representation of the sounds, thus:—



which trains the eye together with the ear.

“Five minutes are spent in this way, each day, as a drill exercise, followed by practice upon the music charts. The result of this drill is remarkable. The ear becomes so well trained that children will go to the blackboard and write the scale, or *pitch-name*, of any sounds given with the syllable *la*. This drill of single sounds is followed by Triad practice, after which the class is divided, an additional pointer used, and the pupil is trained in two-part harmony, thus:—



“This is followed by the practice of two-part songs upon the charts, together with the beating of the time; and, in addition to this, in the fifth and fourth classes, by the chromatic scale and a study of the keys which grow out of it, *e. g.*:—



“And such has been the progress that children ten years of age will go to the blackboard and write the pitch of any progression of sounds which may be given in any of the sharp keys.

“I think it is safe to say that at the end of the school year the fourth class will have so practical a knowledge of all the nine different keys that they will sing correctly any choral which may be written in any of those keys, at sight.



"The pupils become familiar with the position of each scale upon the staff, the same as in the key of C. To illustrate: —



In the third, or next higher class, is introduced the study of the intervals, the chords and the triads. At the end of this year the pupils can readily sing in plain three-part harmonies, and should understand all the signs and characters used in musical composition, and be able to comprehend and read at sight any of the music found in our ordinary collections of psalmody.

This, as I said at the outset, is as far as I think it expedient, for the present, to carry these illustrations, since it covers the most important part of the ground to be occupied in the general introduction of a system of musical teaching in the common schools of the land. Thus much, then, for musical instruction as it is given in the Boston public schools. The question now returns, Can such instruction be made available, at a moderate expense, in our public schools, generally throughout the country? And if so, how? and at what cost?

An essential element in the plan of such teaching, as we have seen, is this: that it be given mainly by the regular school teachers, with the aid and general direction only of a professional teacher. We have seen that a single professional teacher can superintend the instruction of a large number of pupils, — just how many, will depend upon circumstances. The number may be more or less, according to the density of the population, and to the general ability of the corps of regular teachers employed. In a city like this, where, we may perhaps say without boasting, that the standard of qualification is high, from 160 to 240 schools or classes, representing 8,000 to 12,000 pupils, can thus be taught.

In the neighboring cities of Salem and Lowell, and some others in this State, a single intelligent head has been found sufficient. The salaries might vary from \$1,000 or \$1,200 to \$3,000 per

annum. My belief is, that in towns and cities not exceeding a population of 40,000 to 60,000 inhabitants, or in rural districts where a group of smaller towns and villages of perhaps half this population in the aggregate exists, and which could all be conveniently visited in a circuit of a week or ten days' extent, a single professional teacher only would be required. And in the latter instance a competent man who should be a resident of the district ought to be had for \$1,200 per annum.

I take it for granted that all the regular teachers could do their part in such instruction if they would. It requires in the system we have been considering no special musical ability or previous training. An *aptness to teach* only is necessary, and any person who is fitted in other respects to hold the responsible position of a teacher in a public school has the ability, I contend, to learn in a very short time (under the direction of a competent professional head, such as we have named) how to teach the elements of music as well as the other studies required in our common schools. Nor is it necessary that the teacher should be able to sing in order to be successful in this branch of study, though of course it is an aid. On this point, says Mr. Holt, in his report to the Music Committee in 1869: "In the short time within which music has been regularly and systematically taught in the classes under my charge, only seven out of the two hundred and fifty-one teachers who have come under my observation have proved themselves unable to do their work satisfactorily. Of these seven, three exchange work with other teachers at the time of the music lesson, one employs a teacher from outside to aid her in this part of her work, who is present at the time of my visit to receive my instructions, while in three rooms the work is imperfectly done."

"With regard to the progress made in different classes," continues Mr. Holt, "it varies in proportion to the faithfulness of the teacher. I find that teachers who are regarded as superior in other branches, obtain the best results in music. And many of my best teachers are among those who had no idea that they could do anything in music when we commenced. . . . I visit each of the two hundred and fifty-one teachers with their classes once in every four weeks; in this way I am able to help every teacher over any difficulty she may encounter, and to shape my instructions to the wants of each class."

Says Mr. Philbrick, in his report, to which I have already alluded, "The improvement in the method of teaching music has very naturally helped the improvement of the methods of handling

the other branches. As a general rule, teachers in an elementary school who teach one branch well, teach all branches well."

The cost of musical teaching to any city or town, or to a group of towns situated as I have said, having an aggregate population of say 20,000 inhabitants (one fifth of whom may be reckoned to be of the school age), ought not to exceed the sum of \$1,350 per annum, and would be made up as follows:—

The salary of the professional teacher, say . . . . .	\$1,200 00
A set of charts, with stand complete, for each school (say for 80 schools with an average of 50 pupils each, \$11.25 ×80=\$900), which should last with careful treatment six years, $\$900 \div 6 =$ . . . . .	150 00
Making as above . . . . .	<u>\$1,350 00</u>

The manual for the teacher, as also the pitch-pipe, is not included in the above expense, it being supposed that each teacher would desire to purchase and possess them. And with this manual in the hands of the teacher, the charts and the blackboard, I believe that up to the age I have indicated, text-books in music may be dispensed with altogether.

But if to this be added the cost of a pitch-pipe and a copy of the "Teacher's Manual" (explaining the use of the charts) for each school, the cost (on the supposition that these, like the charts, would last by careful using six years) would be increased by \$26.67, — making a total of \$1,376.67, or a trifle over thirty-four cents for each scholar per annum.

With such simple addition to the mechanism of our common school system of education and at so slight expense, an elementary knowledge of music could be diffused throughout the country. What variety and interest it would give to the dull routine of every-day school-work! What sunshine and gladness it would infuse into the homes and hearts of the people!

## INEFFICIENCY OF ECONOMIC LEGISLATION.

BY EDWARD ATKINSON.

THE Legislature of Massachusetts has now under consideration a statute by which it is proposed to limit the hours of labor in certain employments to ten per diem, so far as women and minors are concerned ; the employments specified being the manufactures of textile fabrics of various kinds. It is not denied by its promoters that the true object of this act is, to limit factory labor for adult men as well as for women and children to ten hours, as it is well understood by those who ask the passage of the act that it will be impossible to operate textile factories beyond the time permitted for women to work, since they constitute the larger portion of the factory operatives.

It is not intended here to discuss this question upon alleged specific facts in this particular case. The act is but one of many, proposed or enacted, by which it is attempted to enlarge the function of statute law, so that by means of statutes morality shall be imposed, leisure shall be inflicted, and prosperity shall be enforced.

If these ends could all be compassed by acts of the state or national legislatures, the progress of humanity might be much more rapid than it is ; but it does not yet appear that any laws of this so-called "protective" character have ever proved efficient in causing a more equitable division of labor or of product than might otherwise have been had. In the category of protective legislation attempted in this country may be included usury laws, eight and ten-hour laws for adults, and protective tariffs.

The usury laws of this State and of several others have been repealed ; and where they still exist they are not seriously defended, but are maintained from a superstitious deference to ideas based on semi-religious grounds rather than from any economic benefit attributed to them.

We are, however, still suffering under the infliction of an excessive and ill-adjusted protective tariff, and of a vicious currency ; and to these causes may be attributed the discontent of the laboring population, the demand for eight-hour laws, and the growing antagonism between labor and capital which has so long caused

disorder in other countries, but from which we have been until quite recently so happily free.

This discontent, and the endeavor to secure a more equal distribution both of labor and of wealth through the enactment of statutes, is not to be attributed to any absolute increase of poverty or ignorance in this country, but rather to a dim perception on the part of the mass of the people that through some process of law the rich are richer and the poor are poorer than either would otherwise have been; and since they perceive that some are made richer by means of one statute, they infer that others may gain either high wages or leisure, or some other desirable end, by the enactment of another statute. Hence the attempt to correct every great or petty grievance by an appeal to the Legislature or to Congress, and to secure a good subsistence and individual prosperity by legal methods rather than by persistent industry and economy.

The applicants for protective legislation of the character designated, fail to see that wealth gained by the few if gained at all, by means of a protective tariff or a legal-tender act like our existing law enforcing the use of paper money, and the leisure secured by eight and ten-hour laws, are all gained at the cost of the mass of the consumers of all products, of whom not one in ten can be called capitalists. Whereas in the absence of legal interference, except to provide for justice and liberty, wealth honestly acquired is proof of service rendered to the community, and leisure fairly earned does not imply harder work for those who continue to labor.

What then are the factors which constitute the elements of the problem of material prosperity; and what is the limit of statute law in regard thereto?

To the first question the answer is, Production, Distribution, Consumption. The accumulation of wealth or of capital is the secondary consideration.

The end sought both in the labor of production, distribution, and the accumulation of capital, is consumption. Material prosperity consists in the most ample consumption in each and every year or day of articles of necessity, comfort, and even of luxury; by every person, and great evidences of accumulated wealth are most unsafe criteria by which to judge of the condition of any people. The true justification of wealth is, that it shall be so used as to increase product.

This fact is made obvious by a consideration of the proportion which the value of the annual product of the United States bears

to the accumulated wealth of the country. This proportion has been established as being about one to three or three and one half. In other words, the value of all the improved lands, buildings, railroads, factories, workshops, tools, implements, live stock, and property of every description, does not exceed three to three and a half times the value of the annual product of the country.

If the value of land be deducted from the aggregate wealth of the country, and an estimate be made of that portion only of our wealth which represents actual labor saved for future use, it is doubtful if we have accumulated capital equal to more than two years' product, both being estimated at market prices. Our most useful accumulations of labor are those which become gratuitous or common to all, such as highways.

It is a well-established law that the accumulation of wealth shall be very slow, and its maintenance difficult. Human progress requires constant effort, and the Almighty does not long permit any portion of the race to be idle. The absolute destruction of what has been wealth often marks a greater step in the progress of any people than positive accumulation; the change, for instance, from canal and turnpike to railroad transportation caused the destruction of much capital previously accumulated at great cost of labor, and rendered it necessary for many persons to work again who had for a time lived on the income of previous savings. Old machinery must be constantly broken up and new machinery constructed, in order that the cost of production may be reduced and the abundance of things be greater.

The only resource to meet the need of rich and poor, the only fund upon which we can depend for the increase and maintenance of capital and the subsistence of the whole people, is the annual product, and of that at least nine tenths, probably a larger proportion, must be immediately consumed. If we could all spare the work of six months, the result would more than pay the national debt; but the attempt would be suicidal.

It is estimated that only about one tenth part of the product of each year is, or can be saved, to repair the loss or wear of capital previously accumulated, or to add thereto; and it is also estimated that not one adult person in ten, of those who die, leaves any estate which requires legal administration. It may safely be said that the average life of capital is not equal to the average life of man; it is only maintained by constant reproduction.

Hence it appears that the material comfort of the mass of the people is in direct proportion to the production and the consequent

consumption of each year, and that the accumulation of wealth, except that portion of it which is actually used to increase production or facilitate distribution, is of the least possible importance.

It is not intended to undervalue the possession of wealth, even of that which is not used for strictly utilitarian purposes. Its enjoyment is the right of every one who gains it, provided it has been gained by just methods, and not by force of statutes, which cause an inequitable distribution, and such possession and enjoyment is not at the cost of the mass of consumers. Yet the tone of documents lately printed under official sanction in this State is to the effect that the rich wrong the poor by the very fact of possession, and that if capital did not insist upon an unfair share of the annual product there might hardly be any poverty, or even any severe and arduous labor necessary to gain a subsistence.

As I have said, it is estimated that the share which capital secures from annual product is not more than one tenth, and even of this only a small part accrues to those who expend it for mere luxury. By far the larger portion of the share of product secured by capital is used in such manner as to increase the general abundance.

The true cost of the support of the rich is what they consume, and although this particular time is marked by more extravagance and waste than was ever known before, yet if a different distribution of what is now wasted by the rich could possibly be effected either through statutes or in any other artificial manner, the effect upon the general condition of the people would scarcely be felt.

Extravagance and waste mark the methods of those who have but little to spend, as well as of those who have much; and it is safe to say that if those who now work so strenuously for the enactment of protective tariffs, for eight-hour laws, and who otherwise attempt to promote abundance by statute, would spend the same force in teaching the ignorant how to make the best use of what they do earn, especially in the preparation of food, the results would be far more beneficial to humanity.

Large production and ample consumption are the main things to be desired, and these are to be found in intelligence and self-reliance with the least possible interference of meddlesome statutes.

Upon what, then, does this large annual production and consumption depend? Simply upon the number of hours of human labor or effort which shall be intelligently directed to guiding the forces of nature. We can make nothing; all that we can do is to move something. Production is but the leading forth of the gifts of God

to the use of man. We move the soil, and we move the seed, but God gives the harvest. We build the dam, and move the wheel to its position, but God gives the rain and the power of the fall.

The forces of nature are ever the same: intelligence, effort, and time are necessary to their use, and are each and all conditions of plenty; the proportions may be altered, but neither can be omitted. The one element which all share alike is *time*. Persistent industry is the beneficent condition under which the Almighty permits the existence of mankind upon the earth, and the enjoyment of leisure is in direct proportion to the intelligence with which the forces of nature are made a substitute for muscular toil or drudgery.

In the natural order, the application of the power of steam, while it raises a few persons to great wealth, also redeems the mass of working people from the necessity of long hours of muscular or manual drudgery; hence the same or a greater product than before, with fewer hours of labor in the aggregate. Those who apply to the legislature, and ask for an act arbitrarily shortening the hours of labor, are attempting to substitute a statute for a steam-engine. If, with all our steam-engines and other inventions, and all our improved methods, not one person in ten has any substantial amount of accumulated wealth, and if only one part in ten of our annual product can be saved either to maintain or add to capital, it is obvious that a very small portion of each day's aggregate work can yet be spared without at once impairing the comfort of all those who have accumulated no surplus.

And even of those who accumulate property a very small portion can long cease from work; not one in a hundred. What, then, is the average number of hours per day during which the men and women who perform the work of production and distribution are now employed,—the farmers, laborers, artisans, mechanics, operatives, servants, merchants, shopkeepers, lawyers, teachers, and all others who are not mere consumers? Can it be estimated to average less than ten hours per day? If, then, ten hours per day produces that abundant product of which nine parts are and must be at once consumed, and one part only can be saved, an arbitrary shortening of the hours of labor by force of law to nine would at once cut off that portion of product which now becomes capital, and if a general eight-hour law were enforced, the other hour would take away one ninth part of the subsistence of the people. Time is but the synonym for product.

But if production and consumption were thus impaired, would



that which continued to be produced be any more equitably distributed than it was before? Would the capitalist cease to exist, or to charge interest upon his money, or rent for his house, or large compensation for the service of his brain? Far from it; with the less rapid accumulation and smaller supply of capital, the relative share of annual product accruing to the owner of capital would be greater, although his absolute share might be less. He might secure \$45 out of each \$800, where he could only have had \$50 out of each \$1,000, had not the hours of labor been arbitrarily shortened. It may be alleged that those who ask to be restricted by statute as to the number of hours which they may work, thereby declare themselves incompetent to manage their own affairs, and demand to be deprived of their liberty to dispose of their own time; having now this one element of production on exactly equal terms with all other men, they ask to be made unequal by restrictions upon themselves. In other words, they ask to be put under guardianship. This claim is well made on behalf of those children whose parents cannot or will not protect them from overwork, but so far as adults are concerned, success in the attempt to make and enforce such a law would simply give them leisure time at the cost of less food and clothing, and a poorer shelter.

It is alleged that the shortening of the hours of labor, even if secured by statute, will not decrease product, because the operatives will be able to accomplish more in each hour of the short time than they now can in each hour of the long time. If this be so, no statute is required, as the interest of both owner and operative will surely adjust the general hours of labor to the most effective point. It is as much for the interest of the employer to avoid an excessive strain upon the operative as it is to avoid running his machinery at such a high rate of speed as to make excessive and costly repairs necessary.

In employments in which the labor is much more constant than in a textile factory, the hours of labor are much shorter, and in general it will be found that the hours of work are in the long run fixed by the nature of the occupation. We have not yet reached that stage in the general struggle for existence in which any large portion of any day can be spared for leisure, in the ordinary sense in which that word is used, without such leisure being at once felt in a scarcity of products; and scarcity affects most adversely those who depend on each day's work to meet each day's need.

It may be said that legislation should be had to meet this particular case of labor in textile factories, but we are not considering

special cases; the act now sought is but one phase of the general attempt to shorten the hours of labor by statute in order that operatives may have more leisure.

It is not denied that restrictive legislation is entirely right in cases in which it can be conclusively proved that injury is being done to health either by overwork or want of sufficient precautions, but even in such cases legal enactments are not universally applicable. For instance, no attempt is made to restrict men from working in white lead factories if they choose to do so.

It is a significant fact that the agitation of the labor question in this country comes most urgently from persons employed in those branches of occupation which are most affected by a protective tariff, and in whose behalf protective tariffs are ostensibly demanded; namely, from the coal and iron miners, and the workers upon textile fabrics. It may be that we can trace the connection.

A duty is now imposed upon coal which amounts substantially to a prohibition of imports, and also upon iron and steel for other than revenue purposes. It cannot be doubted or denied that the statute law imposing these duties has caused many men to become rich who would not or might not have been able to gain wealth by their own skill or industry. It cannot but be obvious to the miners and iron workers that many of their employers have thus gained wealth by force of law. Upon examining the plea for such acts, they find the reasons assigned by those who promote the enactment of a protective tariff to be three, as follows:—

1st. "We are infant manufacturers, and need to be protected until we have learned our business."

2d. "We have but little capital, and the capital owned by others is so well employed in other business that we cannot borrow it or induce its investment in coal and iron works unless a higher rate of interest than the high one now obtained in other pursuits is warranted by statute."

3d. "Labor is so well employed in other pursuits than mining coal and making iron and steel, that wages are everywhere very high, and we cannot entice laborers to our works unless it is guaranteed by statute that we shall pay, and continue to pay, yet higher rates. 'Give us, therefore, a tariff' that shall increase the cost of the products of foreign paupers if any one attempts to import such products."

The miners and iron workers next perceive that their employers are closely combined in a compact trades-union called an asso-

ciation, which has great power, and can exert great influence in the enactment of statutes.

A tariff being enacted, the whole scheme works well for a little while; the profits of mines and iron works are very great, and wages are very high. But presently the production of both coal and iron is greatly increased; but the cost to consumers having been enhanced, the demand is checked; prices then fall, and work must cease, or wages be cut down. Now comes resistance: the workman says, "You called in the force of the law under the pretense that it was for the benefit of labor; you have reaped the profit, now maintain our wages." Can it be wondered at that ignorant men should combine, and use the same force to maintain their wages which the masters have used, although in a concealed manner, to secure their profits?

In the textile factories the case is somewhat different, but the argument for the exclusion of the product of foreign factories is the same. It has been alleged that if the foreign fabric is admitted without artificial enhancement of its cost, our factories cannot be built or run. It is claimed that we need high duties in order that we may be able to pay high wages. Is it not then perfectly fair for the operative to say, "If by one statute you allege that you are enabled to pay me high wages, can I not, by means of another, secure both high wages and shorter hours?"

The argument is the same in both cases, and one statute is but the logical complement of the other. Both seek to enlarge the function of statute law, and to substitute legal enactments for skill, industry, and economy.

The fallacious reasoning in both cases arises from the confounding of the ideas of selfishness and self-interest. The advocate of a high tariff proceeds upon the thesis that all commerce is purely selfish, and that every foreign merchant or manufacturer who sells us goods must in the nature of the case seek his own gain at our loss. If this were so, it would be equally true that our sale of some other article to the foreign merchant would be for our gain and his loss, and as there can be no purchase without a sale, and all commerce is but the exchange of commodities, we should upon this thesis have the strange anomaly of two men or two nations making exchanges at a loss to both. It needs but a moment's consideration to perceive that any such transactions could not be maintained, and that unless both nations gain by the exchange of commodities, commerce between them must cease.

The thesis upon which the so-called labor reformers proceed is

that all employers or capitalists are controlled by purely selfish motives, and willfully seek to depress wages and to enforce long hours; the truth being that the self-interest of employers as a body counteracts the selfishness of the individual men who compose their number. Self-interest dictates the shortest hours which the condition of any specific employment will permit, the best provision for the health and comfort of the workman, and the highest wages which the condition of the market will allow; because it is only by such means that the best and most intelligent workmen are to be obtained. If those who pretend to dread the effect of the importation of the product of foreign paupers and barbarians would but analyze the cost of their own manufactures, they would find that wages are no criterion of cost, and that, perhaps, their cheapest goods were produced by those who earned the most money. The wheat manufacturer of the West who produces his crop by the application of machinery, and earns high wages, or, if he is his own master, gains large profits, nevertheless competes successfully with the poor English peasant, who has but sixpence a day.

The Lowell weaver, at five or six dollars a week, produces cotton drilling which is sold in the China market at a profit, notwithstanding the fact that wages in China count almost in cents against our dollars. When Cape wool was not considered too great a luxury to be imported from the Cape of Good Hope, although it was the product of barbarians, we paid for it very largely in agricultural tools and furniture, made by workmen whose wages were two or three dollars a day.

It is also true that it is for the self-interest of all employers that the general standard of wages should be high, because the great body of consumers consists of those who work for wages, and they are therefore the largest and best customers.

If all operatives were either ignorant or children, the force of statute law might not only be needed to control the hours of their labor, but by the same logic it should be enacted what they should eat, drink, and wear, of whom they should buy, and to whom they should sell. It is not yet proposed to regulate by statute what shall be eaten, but it is now prescribed, or attempted to be regulated either by State legislation or by a tariff, and by a national eight-hour law, what men and women shall drink, how many hours a day they shall work, what clothing they shall wear, what fuel they shall burn, what houses they shall build, with what tools they shall build them, and of whom they shall buy all that they need.

To this extent has the attempt been made to deprive men of their liberty under the guise of law ; hence labor is discontented, capital is timid, intemperance is rife, public corruption and private fraud are steadily increasing, and respect for law is being rapidly destroyed because the law-making power is used as the instrument with which the people are fleeced.

It cannot be said that such economic legislation is inefficient, but on the contrary it is most efficient for evil. As men are constituted, statute law is necessary in order that there may be liberty. Injustice must be prevented, vice must be restricted and reformed, association both of labor and of capital may be provided for, and education must be promoted ; but when statutes are framed to create artificial obstacles to free exchange, they become restrictions upon liberty, and tend to cause scarcity rather than abundance of things needed to supply our material wants.

The second question suggested at the beginning of this article opens too broad a field for the answer to be more than indicated within the limits of this paper.

May it not be said that the limit of economic legislation is to restrain abuses and not to prescribe uses ?

It has been truly said by Professor Bonamy Price, in his lectures to Oxford students, that "The power and prosperity of the country, the well-being of its population, their sense of the justice of its legislation and their contentment with the social order which surrounds them, are largely involved in a correct apprehension and a firm application of the teachings of the science of Political Economy."

It is to our great loss and present confusion that the study of this science has been so much neglected in this country ; were not such the fact, an apology might be called for on account of the re-statement of some elementary principles in this article.

## RELIEF OF LABOR.

BY SAMUEL ELIOT.

"From toil he wins his spirits light,  
From busy day the peaceful night ;  
And hies him home, at evening's close,  
To sweet repast and calm repose."

THE contrast between this vision of the laborer and the reality of his lot is visible everywhere. If he is at peace, it is too often the peace of privation. If he struggles, it is too often a death struggle, more fatal to him and to his than to those whom he calls his enemies. "What do you want?" asked the Paris correspondent of a London journal, as he passed a sentinel at a barricade during the recent insurrection. The sentinel took from his pocket a paper containing the programme of the club to which he belonged, and the journalist read, "What is the producer? Nothing. What ought he to be? Everything. What is the workman? Nothing. What ought he to be? Everything." If Paris were the only spot where these things were on the programme, or if its sad and wicked insurrections were the only fruits from such seed, there would be less concern about them. But the same ideas are floating far and wide, the same seeds are scattered by every wind over sea and shore, and if blood is shed one day at Paris, it is shed another at Scranton; if English women and children starve while their husbands and fathers strike, so do American; if the working classes are all in angry motion throughout Europe, they are not contented or pacific in the United States. "We have reached a point," says a Massachusetts mechanic, "where intelligent labor has developed such social needs as to require an income that will not permit the continued accumulation of the vast sums in the hands of non-producers which has hitherto characterized modern civilization."

Labor demands relief, here as well as elsewhere. As to the form which relief should take, there is little or no agreement; but as to the fact that relief should come, there is little or no disagreement. Little or none even among those against whom the demand is preferred. "Yes," says the capitalist, who would not part with

a dollar of his capital or of his interest, to effect it ; " Yes, labor should be relieved, and if it is, capital will be relieved likewise." " Yes," says the shrewd manufacturer or miner, " let labor have its sop, if nothing more ; and my works will be more productive, my profits more abundant, the whole thing more satisfactory." " Yes," says the benevolent employer, " it is time that my work-people and I should understand each other, and that they should have what they want, within the bounds of reason, as something that I want with them." Very few, of any sort or condition, deny that labor is unsafe, and that it would be better safe ; that its wrongs, if real, should be righted, if imaginary, explained away ; that its wants, if actual, need to be met, and its claims, if well founded, to be considered. Not the laboring class only, but every class, the farthest from as well as the nearest to the workman, is becoming interested in a peaceful issue of the questions now driving over the face of society like a northerly gale. Society, as well as labor, needs relief.

Why, then, does not relief come ? If labor demands it, and other interests require it, why is it delayed ? The first reason is to be found in the disagreement as to the form in which relief may be obtained. Perhaps the trouble has arisen from thinking too much of the form, and too little of the substance. To those of us who look on from a little distance, it seems as if questions of principle might be brought into the foreground now occupied by questions of expediency. There is such a thing as being over-practical, especially in matters of this sort, and then the result is impracticability. Reforms are not like coins that can be struck off on precise weight or size. They are sensitive, illusive, evanescent, and he who would handle them must be careful of excessive method, or they will break in his grasp. At the same time, one cannot overestimate the importance of giving them some consistency. Chaos and darkness belong together, and as long as measures are confused or contradictory, the light remains far off. Those who would give relief to labor are just as much puzzled as those who would receive it by contradictions among the projects concerning it, *informes hiemes*, so many shapeless storms. To simplify them, to give them a definite aspect which can be first understood, and then, if possible, agreed upon, is of the first necessity.

But the difficulty of doing this is indefinitely increased by the excesses on the side of labor or its would-be champions. Like Dr. Chalmers on his holiday, they give themselves up to miscella-

neous impulses. They are not the laboring class as a whole, but the self-appointed leaders of the class who get the bit between their teeth and defy restraint. Labor, in their persons, has been on the rampage these many years. It has laughed at precedents, defied restraints, held nothing too plain to be denied, or too sacred to be blasphemed. It has clamored not so much for relief as for revenge, revenge not upon itself for its own infirmities, but upon those who have not shared them, as if it were an injury past all bounds to be free from the weaknesses into which labor fell. If the hours of labor were twelve a day, they must be made ten; if ten, eight; if eight, still capable of being reduced. On the other hand, wages must be as great for the shorter as for the longer day, for poorer as for better work, indeed for work hardly worthy of the name. If any classes in the community had more possessions or more privileges than the working class, then they must divide them as spoils, though no victory had been won. In short, the right of labor to claim anything, and to get as much of its claim as possible, has been held to be unquestionable.

To all this there has been a counterpart. The more audacious labor became, the more grim was capital. Singular enough, the capital of to-day is the labor of yesterday, and yet the former sets strong walls between itself and the latter, and the moment it gets behind them —

“Up drawbridge — grooms — what, Warder, ho !  
Let the portecullis fall.”

But that is not the natural, and therefore not the enduring relation between the two. If, like two goats upon the narrow path along the precipice, they meet, and meet to withstand each other, there is only one issue; another comes with yielding on either side, and capital should be the first to yield, if there is any such thing as magnanimity in the economic relations of mankind.

It needs not, however, to bring charges, direct or indirect, against labor or any other interest, in order to comprehend the slowness with which relief advances. There is a general law under which all social improvements linger a longer or shorter time before being perfected. The fact that they are improvements suggests something antecedent which resists them, and something concomitant or subsequent which hinders them; interest, passion, error, the varying traits of one unvarying humanity. It is eighty years since Burke lamented that the age of economists had succeeded to the age of chivalry; yet economists are as much



baffled in dealing with some of their work as if their age had never dawned.

The troubles of labor are twofold. Human nature is responsible for a part of them ; human society for the rest. Society has made capital mistakes, it seems clear enough now, in its customs and institutions respecting labor ; as for example, in its educational systems, or in the division of the labor class from other classes, or again, in putting that class upon wages instead of giving it independence. In seeking relief for labor, we have to take such things as these into some sort of consideration. Ought we not, in truth, to give them the first consideration as things that are essential, while others, or most others, are superficial?

As to finding what we seek, so far as human nature is concerned, there may, indeed will be, a doubt. Even they who think best of this principle, as the New England farmer called it, cannot but allow that at present, and in the immediate future, to say the least, it blocks a good many upward paths. Yet it would never do to admit that the instincts or appetites with which we are endowed, and by which we may be driven into evil, are to be eradicated or essentially transformed, before labor, or other suffering interests can be relieved. All that is needed, is the control of human passions. All that is to be prevented, is the abuse of them. If human nature cannot be altered, it can at all events be turned.

Society can be both turned and altered. If it is wrong about labor, it can be set right ; if it is moulded upon untenable models, it can be re-fashioned. Men do not exist for its sake, but it exists for theirs, and if its functions fall short of their necessities they have the remedy in their hands. The history of society is one long tale of shortcomings. What it does for one generation is not enough for the next, and the wants of that are outstripped by the wants of its successors. Social institutions which stood in Greece fell in Rome ; others which flourished there, decayed elsewhere, and so on through the barbaric and the feudal ages, down to these ages which we call modern, but which will soon be ancient, the work of society, like that of Penelope, is pulled out every night, to be rewoven every day. In this there is nothing hopeless, but on the contrary everything hopeful.

To relieve labor, the first change required in society is one of opinion as to how the laborer should live. If like a brute, then keep him in the holes and sties where he has managed to eat, and sleep, and die ; where his wife has led the life of an animal, and where his children have hardly any life at all. But if like a man,

if like his fellow-beings, then let the laborer be taken out of houses which others have forsaken before he was admitted, let him and his family be led forth from the squalor and degradation of the tenement to the purity and aspiration of a home. He must be led, that is to say, in the great majority of cases; he cannot lead himself. He neither knows what he wants, nor has the means of satisfying the want, supposing it to arise within him. It must become a part of our social economy, to provide homes for the working man and the working woman, not as a charity, but as a necessity to those who do not occupy them as well as to those who do. Society, for its own sake, is to be persuaded that the laborer must live like its other members, and that to help him live like them, it must frame a law, or form a public opinion more powerful than any law, by which certain buildings may be inspected, condemned, and razed. Once remove the things that used to be houses, and still pretend to be houses, and a very different class of habitations will be constructed. Interest as well as benevolence will lead to it, and the improvement of estates will become coincident with the improvement of habits and morals and lives.

The next change for society to try is one in education. Which is now the least poorly educated in respect to all ideas or observances of political economy, the child of the capitalist, or the child of the laborer, it would be hard to decide. For they are both as ignorant of these matters when school-days are over as when they began. Much of what the richer need comes with conversation or reading about their firesides; and so when they reach manhood they have their notions, and not altogether incorrect ones, about labor, production, and the social state. But where the poorer are to pick up anything, one cannot see. The talk they hear only makes them more ignorant. The books they read only leave them more helpless. So that when they grow up, even when their minds are comparatively mature, they have but ghosts of thought about these matters, ghosts that wail and curse often in lifelong darkness. It is a happy omen that industrial education, training in the use of machines and tools, training in the use of eyes and hands, is spreading from town to town, and from school to school. It is the first step in the direction of educating labor, and it is not the last. Close to it, hard upon its heels, follows social education, training in the laws of society, in the relations of class to class, and of man to man, in the questions of production and consumption, wages, exchange, and wealth. Why should it be so long in

coming? Why should my carpenter's apprentice be taught the longitude and latitude of Zanzibar and learn nothing about the functions of labor? Why should that washerwoman's daughter be quick in reducing a complex fraction, and struck dumb if one asks her what is done with her mother's deposit in the savings bank? Why should the children of the poor grow up with a sort of Hannibal's vow against every rich man as if he were responsible for their privations?

But there must be something beyond any single branch of education, something of broader reach and fuller fruit, before labor or society can be regarded as properly trained. What we all want is training of the reason. Other faculties are tasked and overtasked, but the reasoning powers suffer from inaction, and shrink up like a limb that cannot be used. If they had been developed among either employers or laborers, the relations between these classes would never have got into their present state of disturbance. Nor is it too late to call them forth, and to give both sides a chance to think out a few simple questions, such as whether there really *are* two sides, or if so, whether they need be so any longer; whether it is not possible for such divisions to be softened; and whether it is not just as much for the interest of the higher division as for that of the lower, to bring the latter up to the higher so that at least there may be only a slope from one to the other, instead of a yawning gulf between them. Such points as these jutting above the waste of waters, like ridges or peaks above the flood, can hardly be descried, much less reached except through the reason. Imagine, then, the difference to labor, as to all besides, if the first place in our schools were given to reasoning, the second to it, the third to it; in short, if it were treated as the memory is everywhere, or the power of observing somewhere, instead of being left nowhere.

Society also needs revision of its institutions. Economic reforms during the last few years particularly, have centred in systems intended to bring the laboring class into new relations among themselves, or with the employing class. Such systems are very necessary. If unwise or immoderate, they do more harm than good; but we speak of those only that bear some mark of wisdom or moderation.

If they were ideal, they would facilitate the removal of the two great stumbling-blocks in the way of labor, namely, the separation of the laboring class, and its dependence upon wages. To their effect upon these, whether greater or less, we may refer as to a

test by which they may be judged. Whatever they do towards lessening the isolation of the working class, whatever towards giving it a better support than wages only, is so much to their credit. How much ought to be expected from them is another question, to be answered decidedly or doubtfully, according to circumstances and the temperaments of men. That there has been, is, and always will be a laboring class, so called because laboring with hands, is not only a fact, but a necessity. The world would have to be made over, before its need of manual labor could cease. The very problem before us, the relief of labor, implies not the cessation but the continuance of a class engaged in it, and who so wild as to have it otherwise? But the existence of a class is one thing; its segregation, another. The line between it and other classes may not be effaceable, but it may be drawn less heavily, and the division indicated by it may be less abrupt and less complete. Whatever, therefore, tends to throw labor off from capital, for example, is to be deplored; whatever tends to bring them nearer is to be welcomed; and that there is a capacity in organizations to throw off or to bring near, cannot be disputed. They are therefore to be estimated according to this capacity, and if it is such as to render the laboring class more like those around them, more harmonious in interest, more identical in purpose, then it is certain to put an end to the segregation of labor. So with regard to its dependence upon wages, one may say that while wages must continue to be one of the systems by which workingmen obtain the fruit of toil, they need not be the only system, or so nearly the only one as they have been. To put a man upon wages, is to put him in the position of a dependent. Nay more; the longer he holds the position, the less fit he is for any other, the less opportunities he has for self control or the higher business faculties, the less of a man, in fine, he becomes. Institutions are to be judged, therefore, according to their use or disuse of the wages system. The abolition of it is impracticable, but the reduction of it to lower terms, the employment of it as only one way, and that not the best way, of rewarding labor is as practicable as desirable.

Earliest of the institutions to which we have been referring were the combinations of the laboring class called Trades Unions. Weary of their struggle single-handed, workmen threw themselves into associations for the purpose of giving battle more successfully. At first defensive in their attitude, they bore themselves temperately as well as gallantly, but the temptation to act on the offensive was irresistible, and they soon bore down, not

only upon employers, but upon all the employed who would not join them, claiming the whole field as their own. The character of the Unions became, if it was not from the first, essentially military; their discipline that of an army, their law that of courts-martial. The *ultima ratio* of kings was the *prima ratio* of Trades Unions. No one can question their right to combine. But their right to wage war upon one another and upon all around them is very questionable. At some future period, their history will be read with unmixed surprise. The reasons for their formation will not be plain enough, nor the apologies for their excesses be full enough, to render them intelligible. It will simply appear that at a time when working-men were suffering from their relations with their masters, they sought a remedy in associations which far from reconciling them with their employers, set them at variance with their fellow workmen also, and subjected them to a tyranny such as capital had never wielded. These, however, are the accidentals rather than the essentials of Trades Unions. Nothing in their nature, as combinations of labor, renders them necessarily aggressive or despotic. At present, if we are not mistaken, they are drawing back from some of their hostile positions, and taking a more pacific course, averse to strikes, and intent upon less costly victories. Perhaps this arises from the consciousness of strength, for they have become very strong, with branches throughout Europe and its colonies, and in the United States, counting members by ten thousands and receipts by hundred thousands. Not content with their own separate organizations, they are now combined more or less intimately with the International Workingmen's Association, originally established to prevent laborers being introduced from the continent to take the place of Englishmen on a strike, but for several years past, holding congresses and setting forth declarations upon all questions in which labor is concerned. So the National Labor Union of this country has held its congresses, and declared its proposals for the amelioration of the laboring classes. If planning were enough, without executing, these assemblies would have rendered all further measures of relief unnecessary.

Coöperation is the general name of other movements, less pretending than the congresses, less aggressive than the Trades Unions. It is a term of rather loose application, but without attempting to be precise, it sufficiently describes three different forms of combination. One is among consumers, or societies of consumption, who establish stores of provisions, fuel, clothing, and



other articles, to be sold to members at cost, or if at a profit, on the understanding that the profit is to be divided among them at stated periods. This is Coöperation in its simplest form, and so easy of introduction, that it has spread beyond the working class, strictly so termed, to government offices and the professions, especially in Great Britain, where it found and still finds special favor. Indeed it is susceptible of almost universal application, not only among those of the same calling, but among those of the same neighborhood. It answers but one purpose, however, that of saving, or as applied to wages, of making them go as far as possible; and is therefore wholly inadequate to give more than a partial relief to labor.

The other two sorts of Coöperation are more complicated. They may be grouped together, because both of them have the same object, namely, to save the laborer from dependence on wages alone, and to give him some opportunities as a capitalist. They are societies of production and societies of credit. The former, more common in France than elsewhere, combine for the purpose of producing in the interest of the actual producer, that is, the workman. Mostly confined to manufactures, they have proved successful, both in the quality of their product and the distribution of its value. Their capacity of engaging in other industries, though not so fully tested, seems to be unquestionable. Societies of credit, like the People's Banks of Germany, fully described in the first number of this Journal, undertake to supply the laboring class with capital. They require the payment either of a small entrance fee or of a small assessment, so much a week or month, or both fee and assessment, from every shareholder. What he contributes goes wholly or partly towards paying for his share or shares in the society, the value of the share varying of course with the importance of the society. He has a right to vote for managers, and thus to take part in the administration of the society. But what he probably cares more for is the power of borrowing money without security, to the extent of his share or shares, and with security, to any amount which the management may approve. Thus banking facilities, once the characteristic and the monopoly of capital, become the privilege of the laboring class. These societies, both of production and of credit, have enabled large numbers of every community where they have been organized, though possessed of no other means than a little store of savings at the start, to support themselves and their families more comfortably, to give their children a better education, to

extend their industry, and last but not least, to secure a fair measure of independence for themselves and all belonging to them. But while they have done this, and deserve the greatest credit for having done it, they have not and perhaps they cannot bring the division between the laborer and the capitalist to an end. Coöperation is not between the two, but of laborer with laborer; and herein it comes short of effecting the relief which labor needs.

Another organization has brought the laborer and the capitalist to terms. This is Arbitration: a name not quite exact, inasmuch as it applies only to one part of the work and that the last part. Boards of Conciliation and Arbitration, as they are more fully styled, are composed of representatives from employers and employed either in a single establishment or in a group of establishments in the same business. The representatives of the employed are paid out of a fund contributed by their constituents; the object being simply to make up the day's wages which they lose by attendance at the Board. The officers of the Board are taken from both parties, and in all measures each has an equal influence and an equal voice. At every meeting—once a quarter, once a month, or as often as need be,—the Board takes up all the points at issue, the state of the works, the market, supply and demand, and fixes the rate of wages for the ensuing month, quarter, or other period. This can be done without delay or disagreement, and the Board then separates without having exercised any function to be termed Conciliation or Arbitration. But in case of difficulty, its conciliatory offices begin; the representatives of the employers make their concessions, or those of the employed make theirs, or both accept a compromise. When this cannot be brought about, when Conciliation fails, then Arbitration comes into play. But Arbitration is not the office of the Board itself. At the moment of its organization, and afterwards at the opening of every year, an umpire is chosen in order to secure the possibility of appeal, whenever the Board cannot bring a question to decision. This umpire is generally selected from a professional rather than a business class, as more likely to be impartial, and one may add, competent in determining a case according to general, not special principles. The fact that such an umpire waits to decide questions undecided by the Board must exert a marked influence in bringing that body to a decision, whenever possible. But when impossible, it is turned over to the umpire, and the course then taken may be best described by one who has served

in that capacity. Mr. Thomas Hughes, in a speech at the Cooper Institute last autumn, said: "You may be interested to hear how the Courts are carried on. In January last I went down to hold one at Middleborough, the centre of the North of England iron district. Trade had revived, and though some advance had been given, the men thought they were entitled to more. The dispute had become bitter. The interests involved amounted to millions. The Court sat in the Town Hall — 14 employers, the leading men of the district, on one side of a long table, 14 from the works of these employers on the other. We sat for two days. During the first hard things were said, and blunt contradictions as to facts and figures flew about. On the second the angles seemed to have been rubbed off, and both sides spoke quietly and fairly. At the end of the day the employers went into one room, the men into another. I carried proposals backwards and forwards for perhaps half an hour, and at the end of that time had the happiness of getting the signatures of both sides to an agreement which settled all questions in dispute, and bound employers and workmen for a whole year."

Arbitration Boards in England are of two kinds, one leaving the execution of a decision to the good faith of those concerned, the other appealing to the law in case of resistance; but the former is the only system from which labor can expect any real or general relief. It seems impossible to speak too highly of Arbitration, as far as it assumes to go. What it undertakes to do, it does, and does so efficiently, that its founder, Mr. A. J. Mundella, could say before the American Social Science Association, there had not been a half-day's strike in his district for ten years. One of our members, Mr. Eckley B. Coxe, whose paper on Mining Legislation precedes this, a gentleman of experience in questions arising between employers and employed, advocates Arbitration in a thoughtful and humane essay prepared for the Philadelphia branch of this Association, and we cordially commend his opinions to the consideration of all who inquire into the subject. But neither Mr. Mundella, by whom the system was founded in England, nor Mr. Coxe, by whom it is recommended to the mining interests of Pennsylvania, would dissent from the statement that it is limited to one object, namely, the rate of wages. The first meeting between English masters and workmen in the autumn of 1860, to consider the establishment of a Board of Arbitration, adopted the following basis upon which to act: "It is further agreed, in order to prevent a recurrence of



strikes, which have been so disastrous to employers and employed, and to protect the mutual interests of master and workmen, that a Board of Arbitration be at once formed, to consist of six manufacturers and six operatives, to which *all questions relating to the wages of labor* shall be referred. The decision of the said Board to be final and binding upon all parties." The italics are ours, and show that the rate of wages was then, as it has since been, the chief concern of Arbitration. But it is not the chief concern of labor, which rather needs to be rid of wages as its exclusive compensation, while the laboring class is not only to be reconciled with the employing, as in these Boards, but to be so blended together in a common interest as to render reconciliation an obsolete issue. In a word, Arbitration meets an evil from which labor suffers, and relieves the suffering but does not remove the cause.

To do this, another organization has been devised. This is termed Association or Industrial Partnership. It takes hold of a business or a factory, as worth so much money; divides this into shares of such moderate value as to be within the reach of working men, and then adopts simple measures, like a weekly or monthly contribution, by which the shares may be paid for. Or else, without apportioning the property in shares, a certain scale of profits is fixed upon, by which so much shall go to the owners and so much to the operatives at the end of every year or half year. In either event, the workman is paid such and such wages by the day, or week, or month, and in addition, such and such profits, either upon his share, or upon the amount of his wages; so that, instead of being compensated only by wages, he has his part in the profits also, exactly as if he too were a capitalist. Now the tendency of this is clearly twofold. It saves the laboring class from its dependence upon wages merely, and saves it also from its isolation as a merely laboring class with which the capitalist class has no possible association. In both these respects, it corresponds precisely to what we have supposed to be the great wants of labor and relieves them with a delicacy and an efficiency alike remarkable. Such at least would be the effect theoretically; and we have reason to know that it is so practically. The Orleans Railway Company, as described in the first number of this Journal, had fifteen thousand men in their service to whom they gave stated wages, and in addition, a share in the net profits of the company. The same system was partially in force with the Eastern and Southern Railway Companies of France. Henry.

Briggs, a coal operator in Yorkshire, and chairman of the Masters' Association, the body in which the mine-owners were arrayed against the miners in that district, was persuaded by his sons, after protracted warfare with nine hundred men of his own, not counting those of his associate masters, to try the effect of an industrial partnership. Accordingly, he had a valuation put upon his property, and a division made into shares of forty pounds sterling, which his men were invited to subscribe for, and then pay for in weekly instalments. He also made it known that the whole receipts of his mine would go to meet, first, wages and current expenses; second, ten per cent. interest on the capital stock; and third, equal profits, half and half, to the holders of the stock, and to the men in proportion to their wages through the year. In order to receive the payment of profits proportional to their wages, the workmen were required to have their earnings entered every week in a book by a designated clerk; but so little did they expect from this source at the outset that only one tenth of their number complied with the requisition. At the end of the first year, after paying the first and second charges above mentioned, a very handsome sum remained to be distributed among all the book holders, and great was their surprise, — still greater that of the men who would not use the books, — at the receipt of an amount which seemed like a fortune. This was five years ago, if we remember right, and the reader can judge whether the system has halted or advanced since then. Many of the workmen now hold shares, and one of them is a director in the partnership. The Yorkshire experiment differed from the French, as will be remarked, in this, that it gave the workman a share not only in the profits but in the capital, and thus covered the whole ground which we believe the institution of Partnership is fully able to occupy.

Long before these and other movements on the other side, the fishermen of Massachusetts adopted Partnership as the basis of their labors. What reason they have had to be content with it, and to commend it to other industries, may be drawn from the second annual report of the Bureau of Statistics of Labor for that State, to which a clergyman, described as familiar with industrial life, makes the following contribution: —

“The town of Wellfleet is so situated as to have no resource for gaining a subsistence or amassing wealth other than by the sea. For years her principal business has been mackerel fishing, and it has been carried on entirely upon the system of having every man share in the profits of the catch. The town has no endowed institutions and few

men of great wealth ; but for distribution of wealth among the many, and the absence of real poverty, she stands immeasurably above any manufacturing community in the Commonwealth. Yet these are not the only advantages reaped. The homes of the people are uniformly the most comfortable, well kept and healthy the writer has ever seen. The general standard of intelligence, enterprise, and moral culture is far ahead of communities where the wage system prevails. The young men grow up with individuality and independence of character. Their enterprise and ability lead them readily to positions of honor and usefulness. The qualities developed are of the very sort needed to build up a State, and the results described have taken place while the people have depended on a single branch of business, and that fickle, uncertain and extending through little more than half the year."

"In Wellfleet," says the report from which this statement is taken, "the captain is always an owner in the vessel in which he sails, to the extent of from one-sixteenth to one-half. Sometimes he owns the whole. Very often some of the crew are owners, and frequently a captain and crew will not only own the vessel they are in, but a part of their neighbor's also."

The organizations which we have attempted to analyze follow an ascending scale. Trades Unions begin with combination, and thus do something not done, or not so fully done before then. But the combinations they effect, are among workmen alone, and among workmen dependent on wages ; so that instead of moving in the direction which we have indicated as the right one, they take just the opposite course, and involve themselves in conflicts which shake labor even more than society at large. Then comes Coöperation, emancipating the laboring class from its subjection to the wages system, and so making a long stride upwards, but still being on one side only, it leaves the two sides as separate as ever, perhaps more separate than ever. Arbitration brings the two sides together, and by giving each an opportunity of being heard by the other, opens a way of reconciliation. Yet while the dissensions between them may thus be removed, the barriers between them remain, and the laboring class, still separate, still only a laboring class, finds no emancipation from wages, and drags on the same dependent existence as before. It is not until Partnership is reached that we see both the results for which we have been waiting. That organization effects a union between the capitalist and the laborer, makes them one in kind if not in degree, and at the same time, gives the laborer a fuller and freer reward for his labor than he ever had in wages alone. Such, it seems to us, is the comparative value of these organizations. Circumstances

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may affect it, so that what might be theoretically preferable is not so practically. Coöperation may be more readily applied to one industry, and Arbitration to another, than Partnership can be. But we have endeavored to judge them by the principles involved in them, and it is reasonable to believe that the one of which the principles are the best is that of which the application will ultimately prove the most universal.

Our country has lately witnessed a convulsion of labor which is unique in economic history. The production of anthracite coal in Pennsylvania, amounting last year to sixteen million tons, and capable of reaching a much higher figure, is one of our vast industrial interests. It employs a very large capital, and a very considerable number of work-people, not only at the mines, but on the roads and at the points of shipment; so considerable as to have a constantly growing sense of their own share in the returns of the mines. But the troubles occurring again and again between employers and employed have arisen, so far as the latter are concerned, from those at the mines, among whom an association in the nature of a Trades Union has long exercised a controlling power. At times peace has been preserved by a basis system, so called because the estimated minimum price of coal was taken as the basis of wages, which were to rise with every advance in the price of coal.<sup>1</sup> But when the production of coal amounts to sixteen millions of tons a year, the supply outruns all active demand; the price sinks towards the minimum, perhaps below it; wages fall, and both operators and miners become discontented with one another and themselves. As the only means of staying their losses, the operators appear to have agreed among themselves and with their miners to suspend work. "Strikes are a necessity," said a coal operator in Philadelphia, "to prevent over-production." "There can be no doubt, then," said a physician who was present, "that the operators are in collusion with the men in bringing about strikes." "Why, certainly," answered the candid operator. As if ordinary means were not enough, extraordinary ones have been employed, and when some, indeed most of the operators were ready for resuming

<sup>1</sup> In the course of the discussion following the reading of Mr. E. B. Cox's paper already mentioned, he stated that in the Lehigh region, on the basis — that is, when coal sells for \$5 at Elizabethport — outside laborers received from \$9.50 to \$12 per week; inside laborers, \$13 to \$13.20; engineers, \$16; firemen, \$13; miners, \$16; and miners working by the car from 55 to 62½ cents per ton. These are the minimum wages. As coal advances, outside labor advances ten per cent. for every dollar advance in the price of coal; inside labor twelve and a half per cent.; and miners' contract work about twenty per cent. No miner is allowed to make less than \$16 on contract work.

work, and their miners were agreed with them, then a portion of the operators, not numerous but very strong, being no other than railroad corporations, the owners and workers of large coal tracts, advanced their tolls or rates of freight to such a point as to prohibit transportation, and consequently production. Such combinations as these, surpassing all attempted among capitalists, still more, all attempted among laborers, give what we call its unique aspect to the coal question of the last six months.

But deep beneath it, beneath the other movements over which we pass as foreign to our present purpose, lies the frail stratum of relation between labor and its employers. All through the troubles of the coal field we see one class set over against another, separate in interest and opinion, and each bent on the utmost possible degree of defiance rather than of peace. But for this antagonism, the difficulties arising from over-production could have been quieted in an hour; while with it they are still unsettled, and threaten to remain so, though mining has been resumed at most points, and the railroads, as we are kindly informed, are transporting coal enough to enable them to reduce their rates. Meantime, Arbitration has been tried, and though some of its fruits have turned to ashes, others have had a certain flavor, however sickly, which betokens vitality in the stock that bears them, and promises something with regard to the future establishment of the system. One need not be a prophet to foretell that until it or some other efficacious system for the relief of labor is established, there will be no peace in the Pennsylvania mines.

There, as almost everywhere else in the spaces occupied by human industry, a new leaf is to be turned. All that sad page of wrath and conflict, from which labor has suffered most, only because it has less to sustain it in time of suffering, but from which every social interest suffers also, is to be folded and sealed down. The open page that follows should bear a fair inscription. The tales it tells should be of tranquillity and hope. The relations it describes should be of charity and wisdom. To every laborer there is in reserve, if we can read the future, a place among his fellow men, where the same independence after which they strive will be his, the same harmony which they value will be open to him, and where he and his can be so trained and blessed as we may reverently believe to be the will of his Maker. He will then have a better and a more enduring relief than can ever come from Trades Unions, were they all peace, or from Coöperation, Arbitration, and Partnership, were they all success. Edu-

cation will do more than any organization. The spirit which may be cultivated in the laboring class toward others—and of course we must add the spirit which may be cultivated in others towards the laboring,—is of infinitely greater importance than any merely outward reforms.

●  
"But hushed be every thought that springs  
From out the bitterness of things."

Hostilities should cease at once and everywhere. Barricades should be removed, batteries silenced, and weapons dropped, before another wound is given on either side. War is a game which Labor would not play at, were Society wise.

## NATIONAL EDUCATION IN ENGLAND.

BY MRS. S. PARKMAN.

THE National Education Act now going into operation in England is fairly attributable to the enlightened and persistent effort of Mr. Forster, formerly member from Bradford and now Vice-President of Council. He moved the Bill, drew out all its details, and worked it through the House of Commons with a degree of energy and good sense — a persistency, in essentials, and a judicious pliability in non-essentials which have won admiration even from his opponents.

The "Times" says: "The Vice President of Council goes through his work with a cheerfulness which survives all provocation. He receives suggestions from all quarters, and examines them on their merits, instead of accepting or rejecting them according to their sponsorship, and without wasting words himself, is truly tolerant of vain repetition from others."

The work was no small one; ignorance and apprehension, even more than direct opposition were to be overcome, and the discussions in Parliament disclose a condition which might appall any but a brave and believing heart. Lord Shaftesbury, whose exceptional knowledge made all his objections weighty, said, "with compulsion you will do next to nothing, without compulsion nothing." He described "a kind of roving army, numbering from forty to fifty thousand persons, moving like Scythians round London, and who never remain more than three or four months in one place," and inquired how Mr. Forster would deal with them.

The "Times" said that "the necessary corollary of gratuitous and compulsory education was gratuitous food."

Through all opposition and alarm, strengthened by the visions which were evoked to affright him, Mr. Forster fought his Bill, and seldom can one man have been permitted to originate and complete a measure so vital, so fraught with benefit for his own land.

The Bill, in twelve folio pages, was signed by the Queen on the 9th of August, 1870.

It provides that elections of members of the School Board shall be biennial, and that the vote shall be cumulative.

It states that in order to vote for the School Board one must have been the occupier of a ratable tenement when the rate was made out and the name entered in the rate-book.

It provides that information shall be collected as to the existing schools; that public notice shall be given of the deficiencies in suitable and efficient schools, and after six months if not filled voluntarily, such deficiency shall be filled by the Board.

It provides that no school shall receive aid unless certified by the inspectors to be properly lighted, drained, ventilated, and contain in the principal room eighty cubic feet space for each child.

It provides for the exaction of a fee from pupils, to be fixed and remitted at discretion.

It provides for truant officers, and for the formation of School Boards when desired by the majority of rate-payers in any borough or town; or where the trustees of any school can no longer fulfill their trust.

As soon as the Bill had become law there began throughout the kingdom meetings of various bodies, variously interested in the action about to follow.

A deputation of working-men waited on Mr. Forster to urge the advantage of payment to the members of the Board, since working-men could not leave their work, without suffering to their families. Mr. Forster suggests that it will be easy for any man's constituents to render him independent of wages, and the deputation retires with cheers, thanks, and a resolve that at least one member of the London School Board should be a working man.

Churchmen all over the country bestirred themselves. The Bishop of Oxford and the Diocesan Board of Education sent out a circular beginning: "Mr. Forster's bill has now become law," and saying, "we are anxious to give a new impetus to diocesan education before it is brought into competition with the rating system which wherever it prevails will have a natural tendency to weaken the denominational system."

At Worcester the Archidiaconal Board resolve: "That it is impossible for churchmen to coöperate actively or directly in establishing schools where the Church would be unable to use its own formularies," and makes this the argument for the increase of church schools.

An effort was made to have ecclesiastical districts dealt with separately, not subjected to rate like the rest of the town.



The National Education League held meetings through August and September for the purpose of stirring up and informing the people as to the best means of carrying out the law, and finally undertook "united action for the purpose of returning the best and most liberal members."

The Labor Representation League, in a final meeting just before the election, say to their members: "Vote, in the first place, for qualified men of your own order, that the prejudices of sect or class may not prevent your children from receiving the benefit of this law."

In Chelsea, friends of religious education unite that suitable persons may be elected.

In London, Archbishop Manning exhorts his congregation to see to it that Catholics hold their due place on the Board. Mr. Applegarth addresses in the course of one evening the Science classes at South Kensington, the Amalgamated Engineers, and an electors' meeting; and innumerable meetings are held by Trade and Friendly societies.

As the election approached some of the candidates and many of their friends issue addresses. The governor of the Bank of England, Baron Rothschild, Sir John Lubbock, Mr. Goschen, and eleven other gentlemen put out an address to the electors, setting forth the principles which should govern the selection of candidates, and at a public meeting of the friends of Mr. Huxley, Mr. Tyndall states that he has known him for seventeen and a quarter years without finding a blot in his character. Miss Garrett in her address expresses herself in favor of reading the Bible in schools, and in favor of compulsory education. She says that ten years of professional labor have made her acquainted with the condition and the wants of the London poor, and adds: "I may perhaps claim to be specially conversant with questions relating to the physical well-being of the scholars, and to the education of girls."

Women were nominated and chosen members of School Boards in many places. Miss Ashworth, a niece of John Bright's, was chosen at Bath, the electors considering her "well qualified to represent various important interests, among others the education of women." At Exeter, Bishop Temple having been nominated by a meeting of Dissenters, declined on account of his many engagements, and his sister, Miss Temple, was put on the Board. A Miss Weston, a temperance advocate, and a Miss Shum, a laboring woman, were chosen on Boards in the interior, and at

the London election, women who were rate payers voted in considerable numbers.

Those engaged in the higher education took an active part in the new movement; at Oxford three members of the Board were from the University, one of them being the Warden of All Souls, and at Cambridge the Board met in the rooms of a Fellow of Caius College.

The School Board at Worcester is a fair specimen of the variety of interests represented. It consists of the high sheriff, three gentlemen, one solicitor, one banker, one draper, one barrister, one canon, one manufacturer, one clergyman, one school-master, one tailor, and one Catholic priest.

Mr. Russell Gurney, the Recorder of London, stated in January, that if the returns not then received were in proportion to those already known, the expense of the election would amount to ten thousand pounds.

These elections are to be biennial.

The election of the London Board took place on November 29, 1870. The proportional principle was recognized in the number of members allotted to the different districts of London. Miss Garrett's majority was enormous. The "Times" speaks of "the crushing way in which she beat every masculine candidate," but the analysis of the vote shows that 47,858 votes were cast by 11,676 voters. An even higher ratio of votes cast by each voter is manifest in Mr. Lockhard's election at Hackney. He received 3,350 votes from 670 persons, that is, an allowance of five votes to each person.

The London School Board, as elected, consists of forty-nine members, nine of whom form a quorum. Throughout all the discussion and agitation previous to the election the theory of representation of classes was universally accepted, and has been thoroughly carried out. An extraordinary variety of station and opinion among the members of the Board strikes us at first glance, and as it is one of the most striking points of difference between this and any educational body in America, a list of members may not be without interest. The Board consists of —

Rev. Dr. RIGG, President of the Wesleyan College.

Mr. MUDIE, the librarian.

Mr. MORLEY, Non-conformist.

Rev. W. ROGERS, Prebendary of St. Paul's.

Alderman COTTON.

SAMUEL MORLEY, M. P.

Mr. GOVER.  
 Rev. CANON CROMWELL.  
 Lord LAWRENCE.  
 Mr. R. FREEMAN.  
 Mr. KIELL.  
 Rev. J. ROGERS, Vicar of St. Thomas.  
 Mr. LUCRAFT, laboring man.  
 Mr. TORRENS, M. P.  
 Mr. TABRUM, of the Record Office.  
 Sir F. LYCETT.  
 Miss EMILY DAVIES, Spinster and Authoress.  
 Rev. Dr. WAUGH, Roman Catholic Priest.  
 Rev. J. C. MILLAR, Vicar of Greenwich.  
 Mr. C. REED, M. P.  
 Mr. SMITHIES, Editor of the "Workman's Friend," and the "Band  
 of Hope Review."  
 Rev. J. PICTON.  
 Mr. STIFF, Non-conformist.  
 Mr. TRESIDDER.  
 Sir THOMAS TILSON.  
 Mr. MacArthur, Churchman.  
 Rev. Dr. BARRY, Principal of King's College.  
 Viscount SANDON, M. P.  
 W. H. SMITH, M. P.  
 Mr. MACGREGOR, author of "Cruise in the Rob Roy."  
 Mr. FEW.  
 Miss GARRETT, now Mrs. ANDERSON.  
 Prof. HUXLEY.  
 Rev. PREBENDARY THOROLD.  
 Mr. LANGDALE, solicitor, Roman Catholic.  
 Mr. HUTCHINS, "  
 Mr. HEPWORTH DIXON.  
 Mr. WALLACE, Roman Catholic.  
 Mr. PEARCE, chemist, dissenter.  
 Rev. Dr. ANGUS.  
 Mr. JAMES WATSON.  
 Mr. LAFONE, leather dresser.  
 Rev. J. MEE, Vicar of St. Jude's.  
 Mr. INGLE, Wesleyan.  
 Mr. CURRIE, distiller.  
 Mr. BUXTON, brewer.  
 Mr. SCRUTTON, ship-owner, dissenter.  
 Mr. WILLIAM GREEN.<sup>1</sup>

<sup>1</sup> This list has been gathered from successive numbers of the *Times*, and gives only forty-eight names. No complete list has been attainable.

The Board met for the first time on the 16th of December, 1870, in the Council Chamber of the Guildhall, offered for their use by the Lord Mayor. Galleries were reserved for the public, and they have hitherto been crowded. The meetings were at first held weekly and afterward fortnightly.

The first action of the Board was the choice of Lord Lawrence as chairman; and afterwards with what seems to us unnecessary awkwardness, the Board got into working order. To Americans, there is something very odd in the apparent difficulty of Englishmen in organizing themselves. In several instances where nominating and other committees were suggested, the majority of the Board apparently felt that their liberties were endangered, and showed a sensitive dread of reports to be presented for discussion which might be appropriate as to *lettres de cachet*, or the abolition of trial by jury. The Rev. Dr. Millar advised them to "lay aside their apparently sensitive jealousy of the appointment of committees," and they finally met the occasion with comparative calmness.

A private secretary to the chairman was appointed, and the officers of the Board were a clerk, a statistical clerk, an accountant, a minuting and short-hand clerk, and a junior clerk. These officers will not be thought too many when we get any notion of the work to be done.

A book was provided in which the members present are to sign their names at each meeting of the Board, and a table of attendances is to be published at the end of the year. Notice of resolutions were to be given at one meeting, and acted upon at the next.

In the course of discussion previous to appointing the standing committee, it was said that there were nine classes of children requiring immediate attention, namely: Children begging, wandering, destitute, orphan, parents in prison, in thieves' company, too bad for parents, too bad for workhouse, charged with offence; and the number of these in London was thought to be understated at fifty-nine thousand.

The preparation of a scheme of education was mooted, and Mr. Huxley said that "no scheme would be satisfactory except one which established a great educational ladder, the bottom of which should be in the gutter, and the top in the University."

Mr. Huxley also strongly advocated the teaching of national rather than historical facts to young children, and remarked incidentally that "of all the incompetent and abominable things in

this world, the so-called scientific manuals bore off the palm." He also urged the value of music as a refining influence, and a promoter of innocent pleasure.

Mr. Hepworth Dixon made a speech on the importance of physical education, which shows that "buncombe" is not wholly cis-atlantic.

The extreme delicacy and difficulty of appointing the committees was largely dwelt on, and Mr. Lucraft, apparently unacquainted with Bottom, distinguished himself by stating that "the difficulty would be easily solved, if each member of the Board sent in his name for appointment on any committee which he thought himself best qualified to sit on!"

The question whether the meetings of the Board should be opened with prayer, was decided in the negative, Mr. Huxley stating that prayer did not come under the head of business, as mentioned in the Act establishing the Board. Thirty-seven members voted that a room should be provided where those who desired it could have prayers before each meeting.

The Board appointed a committee on statistics, a committee on scheme of education for elementary schools, and a committee on works and general purposes; the latter being apparently what we should call a business committee. Alarm was expressed at the supposed secrecy of these committees, and Mr. Hepworth Dixon gave it as his opinion that all the action of the Board should be open to "the coil and recoil of public opinion," but these apprehensions were calmed by Lord Lawrence stating that all the meetings of the committees would be open to all the members of the Board.

The committee on statistics were "to ascertain how many elementary schools, public as well as private, exist in London, where the weekly fee from each scholar is under ninepence." To inquire how many children between the ages of five and thirteen are provided for, and what number remain unprovided for, and as to the social condition of such children; and to ascertain "the sufficiency, efficiency, and suitability of existing schools."

The committee on the scheme of instruction for elementary schools, were "to consider the scheme to be adopted in the public elementary schools." In the debate which preceded the appointment of this committee, Mr. Smith said that "the Board knew nothing of the condition of elementary education in London;" and Mr. Huxley urged the primary importance of infant or preparatory schools, stating that attendance up to seven years old at an

infant school was equivalent to two years training in later life ; and he warmly deprecated the opinion that an English child was of course stupid, saying that in his opinion the two finest intellects in Europe were the Italian and the English.

The question of religious instruction in schools was debated at great length. It was decided that the Bible should be read, and Miss Yonge's book of readings from the Bible was proposed for this purpose by Mr. Huxley, who said that a primary object of education must be to instill a sense of duty and the principles of morality and religion, but deprecated the reading of the whole Bible to children. His proposal was negatived, on the ground that teachers would be competent to make the selection. The Roman Catholic members urged that wherever forty Catholic children were present, the Douay version of the Bible should be read to them ; but this motion was not carried.

It having been proposed that a fee should in all cases be paid by the scholar, except when remitted at the discretion of the Board, Mrs. Anderson (Garrett) strongly urged this plan. She considered that unpaid schooling tended to pauperize the people, and to break down the line of demarcation between the dependent and the independent ; that the school pence would be considered as inevitable as the pence for the baker, and that even the poorest classes were able to pay, as was shown by their expenditure in public houses.

At the latest meeting of the Board which has been reported (April 20), Lord Lawrence said that an impression had gone abroad that the Board had accomplished little ; but he explained the amount of labor already performed by the committees, which would be better appreciated when their reports were laid before the Board, and said that verified returns had been secured from 3,151 schools.

On the 6th of April, the Board issued a rate of a half-penny per pound, which was calculated to yield 40,000 pounds ; and the popularity of this tax being questioned, Mr. Lucraft said with much feeling that "artisans would willingly submit to an increased burden of taxation if the education of their class could be improved in the next generation."

The proceedings and the results of this Board are interesting to Americans because its members are of our own race, and the problems with which they deal have a curious likeness and unlikeness to those which beset our path ; also because though we have

something to teach, we have also something to learn from these our brothers.

The fair place which is allowed, and the just dealing which is shown to women, are striking, considering that while the cry for Women's Rights has been incomparably louder on this side of the water, no one of the ninety-six members of the Boston School Committee is a woman, and the suggestion of a feminine member of the Board of Education has never been made. Another point of difference is the high distinction for character and talents of many of the persons composing this Board, so high that many of them are familiarly known on this side of the water. Suppose that the Massachusetts Board of Education, which has the educational oversight, roughly speaking, of about an equal number of persons, were composed of General Thayer, Mr. Agassiz, Rev. Phillips Brooks, the President of Harvard College, Dr. Holmes, Mr. Howells, Hon. R. C. Winthrop, Dr. Lucy E. Sewell, Mr. M'Kay, the shipbuilder, and two or three members of Congress; we should be far from getting an equivalent as to personal distinction and varied representation. Of course a new work, and a work which must be done or leave England in imminent peril, calls out the foremost men, and it is open to doubt whether when the labor becomes monotonous the same men would be willing to perform it; still the example is not without value for us.

Another good point is the apparent absence of anything like personal or party management in the choice of officers. The salaries paid are considerable, and the candidates were numerous; but the members of the Board declined to see any candidate, or receive any testimonials of merit until all came before the Board at the time of choice.

The absence of any limitation in the choice of candidates, by requiring residence in special districts, gives of course a larger liberty of choice.

The same difficulties which have arisen here meet the London Board on the threshold, — the question of public aid to denominational schools; the question as to religious instruction in schools; the question how to deal with the evil of truancy, all ask answer of the English as well as the American people; and while we acknowledge any advantage they have over us, we must needs feel the profoundest thankfulness that some of the most difficult

problems which they are still querying over were settled for us two hundred and fifty years ago by the high-hearted forecast of our fathers.

NOTE. A Parliamentary return shows the effect of the Elementary Education Act, in producing applications for grants for building or enlarging schools. In the year 1869, 192 grants were awarded; in 1870, the applications reached the number of 3,230. Of these applications 3,111 were received after the 1st of August; the act having passed early in that month. Nearly nine tenths, or 2,582, were for building Church of England schools; only 73 for undenominational schools. Although most of the grants will fall due in the next financial year, 1871-72, the appropriation for grants during the present year, 1870-71, is to be raised to £80,000, or more than double last year's vote.



## GENERAL INTELLIGENCE.

### I. — HOME.

**CURRENT RECORD OF THE ASSOCIATION.** The meetings of the Philadelphia Branch, mentioned in our last record, were kept up with spirit and success. Papers were read at them: on Compulsory Education, by Lorin Blodget, January 19, 1871; on Boards of Conciliation and Arbitration, by Eckley B. Coxe, February 16; on the Report of the Commissioners to Revise the Statutes of Pennsylvania, by R. C. McMurtrie, March 16; on Local Taxation in Philadelphia, by Thomas Cochran, April 20; and on Infant Mortality, by J. S. Parry, May 5. These papers, with abstracts of discussions following, have been printed.

The dedication of the Girls' High and Normal School, Boston, April 19, offered a fitting opportunity for the presentation of the Casts described in our last number as having been placed in the hall of that School, under the direction of a Committee of the Association. The Executive Committee desire that the remarks of the President and of Mr. Charles C. Perkins, Chairman of the Committee on Art in Education, should be preserved in this record. The President of the Association spoke substantially as follows: —

*Mr. Chairman:* — It is my pleasant office to offer, in behalf of all those who have united in placing this collection of casts here, their contribution toward the success and the development of this school. We have thought that while there is enough controversy in the educational world as to the proportion which different studies should take in it, while some of us are very much on one side and some on the other, and not so many of us, perhaps, between the two, with regard to the prominence which should be given to one study above another, there is an opportunity to advocate one study not generally advocated and to press its claims upon the thoughts and the affections of this educated community. Fair as our school system is, and adorned as it is with all the light and beauty that stream in from the past upon the present, there is one ray which has not yet penetrated far, one that comes from the art of the ancient world, one that, if it comes, comes here, as everywhere, fraught with light and benediction. About the place that should be assigned to Greek language or literature in a programme of study, there may be a question, but about the place to be assigned to Greek art there can be no question among those who know what that art is and what power it is susceptible of wielding. If it were only as a mere negation of that high pressure put upon our children, if it were

only as a softening element introduced into study that needs to be softened and shaded down, —

“*Quam nec longa dies pietas nec mitigat ulla,*” —

æsthetic education, if it found its place among us, would, like the harper laying his palm upon the harp to deaden its vibrations, calm and sweeten the whole course of study. But it is not merely as a negation that art should be welcomed among us; it comes full of that positiveness, full of that inspiration which we should all stretch out our arms to accept and open our hearts to bless. Greek art is an expression of the finest culture and the deepest thought that have ever found an abiding place upon this earth. It was the work, directly or indirectly, of the best men in Athens and throughout Greece, wrought by some, cherished by all. It ought to be cherished by us, it ought to be made more of for the lessons, not merely artistic, but intellectual and moral, which it conveys. In its simplicity, in its idealism, in its unbroken and unshaken truthfulness, it is a teacher of principles which no scholar can learn without being the better for them, and no community nourish without being sanctified by them. If we welcome it here, we shall welcome something which will make our schools brighter, our homes dearer, and our whole lives nobler. We shall welcome something which we can take into our breasts and foster there, and, while we foster it, it fosters us, and gives life and breadth and purity. Mr. Chairman, I offer in the name, not merely of the American Social Science Association, but more particularly in the name of those members of the Association, and those friends of theirs not members, who have taken part in this work, the collection which we see on and about these walls. It has been carefully chosen under the guidance of one who will follow me in explaining his choice. We owe to him, I can truly say, a large share of what will make this collection valuable here, and will lead, as we trust, to its being imitated elsewhere. I beg the teachers and the pupils of this school to feel that we ask them and depend upon them to help us in this experiment which we are trying. If they value these expressions of art, if they think well of them and speak well of them, if they get that good from them which we believe they will, the ripple which is stirred here to-day will spread far beyond this school and this city to every part of the country; and there will gradually come into the education of the United States an æsthetic element which it now wants, but which is as sure to come through this experiment, or through some better experiment, as the sun is sure to rise to-morrow. I beg your permission, Mr. Chairman, in conclusion, to read a part of a letter, which was addressed to me to be read to-day. It comes from the friend who gave this frieze which runs about these walls, a friend who was the first to propose this work, whose sympathy and enthusiasm have encouraged it at every step, and who ought to be here to-day in the flesh, as I doubt not he is in the spirit, to witness the result of his efforts and his hopes, — Mr. James M. Barnard. “A great interest is felt here,” he writes from Italy, “in this movement, particularly in the plan which has been adopted for the public schools by the Association. I wish I could be present to rejoice with you in the inauguration. Receive my profound sympathy. Mrs. Barnard unites with me in presenting to the Girls’ High and Normal School, through the Association, the frieze of the Parthenon, reproduced by Brucciani from the originals in the British Museum.” And now, Mr. Chairman, not only the frieze, but the statues and busts become the property of this school; and as long as they stand here, may they stand as silent but not the

less effective teachers of all that is good and pure in the human heart, and all that is truest and noblest in human lives.

Mr. Charles C. Perkins, to whom Mr. Eliot referred in his address, was then called upon to explain the frieze and statuary. He said:—

LADIES AND GENTLEMEN, — When I first saw this hall, its walls were bare, its ceiling open to the roof; nothing gave promise of its present aspect. It was like the block of marble in the sculptor's studio, or the blank canvas on the painter's easel, — waiting to be transformed into a "thing of beauty." You will agree with me that it could not have been turned to a better use than this, namely, — to be made a place in which the elevating and inspiring influence of noble forms should be brought to bear upon the minds of the young persons who come hither to be educated.

In the great problem whose solution has exercised the minds of those who wish to see the power of art brought to bear upon the American people, the question has been how and where to begin. Plutarch relates that Archimedes told Hiero, the tyrant of Syracuse, that if he could cross over into another planet and thence work his lever, he could move the world. Now we who wish, though in another sense, to move our New World of whose existence Archimedes never dreamt, have crossed over to the Old World, which is to us as another planet, and have thence applied the potent lever of art. Here we have used it in a small way, by means of a few casts placed around the walls of a single school-room; in the Museum of Fine Arts, we shall use it in a more complete way, by means of a great collection of casts which will illustrate the history of plastic art from antiquity to the present time. Here we hope to work upon the young, there to influence persons of all ages and conditions; here we depend upon the slow but sure influence of daily familiarity with a few excellent types upon tender minds, there we shall expect to sow seed which will bear an abundant harvest in the arts, in manufactures, in manners, and in thought. Form is embodied thought, and an index to the condition of a people as regards intellectual attainment and civilization. An immense amount of the best thought of the ancients has been embodied for us in marbles, bronzes, coins, and gems, and this precious heritage is waiting to enrich us whenever we choose to avail ourselves of it. We have but to desire it, and all the best plastic works of the best periods of art, will be brought to our shores in reproductions, which though of little material value as compared with the originals, will be as potent as they could be to quicken us to a closer observation of nature, to elevate our taste, and to make us judges of beauty when they have made us beautiful in mind. For as Plotinus says, "Only the beautiful in mind can judge of beauty."

The young people who will assemble here are but a fraction of the great public, and yet they may be of great assistance in the work we have at heart. Having learned the value of such an influence as works of art exercise upon those who live in daily contact with them, they will teach it to others. The appetite for beauty nourished here will demand food for its satisfaction at home; parents and friends will catch the enthusiasm, and like the encircling ripples which break the surface of a lake around the place where a stone has fallen, and widen out until it is everywhere in motion, it will spread until the whole community feels its influence. Have you ever watched a little cloud no bigger than a man's hand, as it rose upon the horizon, and gradually widened

out until it covered the heavens with blackness? At first the big drops of rain fell slowly from it, then faster and faster in gathering streams, until the parched earth was deluged with sheets of water. Now this small collection of casts may represent to us the little cloud which promises that beneficent and fertilizing rain of art, which is to fall upon this continent. We need it; we thirst for it; and we shall have it. These are the first drops of promise which precede the abundant shower that is to quicken our national life and fertilize the land.

The casts which adorn this school-room were purchased in Rome, Paris, and London. They were selected with peculiar reference to the place in which they were to stand; and though necessarily few in number, combine a great variety of types. The Minerva, the Diana, the Psyche, and the Amazon, are typical representations of virginal beauty; the Juno and the Pudicitia of matronly beauty; the Demosthenes, the Pericles, and the Homer, represent the Orator, the Statesman, and the Poet. The Genius of the Vatican is a type of adolescence; the Bone-player a type of grace. These casts also illustrate many styles of Greek art. The Archaic Apollo is an example of the hard, earnest, and realistic style which prevailed in Greece, and notably at Ægina in the beginning of the fifth century, B. C. The bust of Jupiter Trophonius is of the somewhat mannered but delicate and refined style, which marks the work of the archaic sculptors of the Attic School about the same period. The Parthenaic frieze, the Caryatid, the Jupiter, and the Æsculapius, illustrate the school of ideal art founded by Phidias. The Demosthenes is a noble example of the school of portraiture, founded by Lysippus in the fourth century, B. C., as is the Genius of the Vatican of that soft, sensuous, but exquisitely beautiful school of sculpture which was founded by Praxiteles, between the time of Phidias and Lysippus. Lastly, the Pudicitia, the Polyhymnia, and the young Augustus illustrate the Greco-Roman school, which flourished at Rome during the early part of the empire. A cast of the Vatican of the Minerva Giustiniani was ordered at Rome, and when made was rejected as imperfect; another was ordered in London, but could not be obtained. "Invita Minerva," what could be done to compel her presence? Thanks to the generosity of Miss Cushman, the Boston Athenæum owned the cast which stands upon the platform; and permission was obtained to transport it hither for this occasion. Thus it happens that Minerva is your guest to-day; and let us hope that many months will not elapse before the present representative of intelligence and cultivation will be replaced by another already ordered at Rome as a permanent substitute.

The speaker concluded his remarks by explaining the frieze of the Parthenon.

The publications of the Association during the spring and opening summer have been the "Immigrant's Handbook," two numbers (III. and IV.) of the "Journal," and a revised edition of the pamphlet on "Free Public Libraries," the latter having been called for much sooner than was expected, in consequence of the rapid and widespread demand for the first edition.

A HORTICULTURAL SCHOOL FOR WOMEN was opened at Newton Centre, Mass., corner of Beacon Street and Lakeside Avenue, May 23,

1870. A comfortable house, and the good aspect of two acres of land adjoining it, fixed the choice of the place. Before the opening of the school many applications were made by women anxious for instruction, but the necessary expenses of the school fixed a rate of payment which hindered many of the applicants from becoming pupils. A matron, Miss A. T. Pollard, and a teacher, Mr. Charles Barnard, were the only permanent officers, and the directions rest with a board of managers, of whom Miss A. W. May is chairman. Two greenhouses, and a small propagating house, have been erected, and the pupils have done the work in both greenhouses and garden with success. Mr. Barnard personally superintended and shared the labor at first, and afterwards gave lectures daily on horticulture and kindred subjects. Mr. J. T. Russell, of Salem, the noted botanist, has kindly given a set of lectures on botany, and Miss Harris has also gratuitously given lessons in entomology and painting. The pupils, in addition to outdoor work and attendance on these lectures, keep a daily journal of all horticultural doings and teachings. The school has at present six pupils, and the question whether women are competent to the care of gardens and greenhouses may be considered solved.

But the school at present labors like other new undertakings, under the hindrance of poverty. In its own neighborhood, there is abundant sale for flowers; but in order that the pupils, when they leave, may choose their special line, the school must give examples of many kinds of plants, and this is comparatively unremunerative. The rate of board — five dollars a week and upward, according to the choice of rooms — barely pays expenses, and it cannot be expected that competent teachers should be had cheaply. The tuition fee is one hundred dollars a year.

A bequest of \$5,000 from the estate of Miss Joy, founds a free scholarship, for which there are many applicants. But endowments come slowly, however great the want of them, and no schools want them more than industrial schools. Few will doubt the value of this particular school, or disagree with the statement in the first annual report, that it is "an object of great importance to open a new and more healthful field of labor for women, — to draw them back from the crowded city, where every avenue open to them is over full, to a more simple and wholesome life in the country and the open air."

COMPULSORY EDUCATION IN PHILADELPHIA. — The Legislature of Pennsylvania has been considering a bill for compelling the elementary education of all children within the limits of the city of Philadelphia. In the preamble it is stated that there are in Philadelphia "at least twenty thousand children under the age of eighteen years, who are in a state of abject and most lamentable ignorance," and that in view of this fact, "it manifestly becomes the duty of the State, in the benign exercise of its governmental relations, to protect the helplessness of childhood against the fearful consequences of the ignorance in question."

The first and principal section of the bill provides as follows : —

“ On and after the first day of January next every child who shall reside within the limits of the city of Philadelphia, and who shall have reached the age of seven years, and shall be under the age of fourteen years, shall be required to attend some public school in said city, for the period of six months in each and every year, or until, in the opinion of its teacher, it shall have acquired the common rudiments of an English education, by being able to read, write, and cipher with reasonable facility.

“ And any person having the custody, as parent, guardian, or otherwise, of any child, and who shall neglect or refuse to send such child to a public school in obedience to the requirements of this act, shall be subject to a penalty in a sum not exceeding twenty dollars, and which shall be recovered as sums of the like amount are now recoverable by law, and one half of the amount recovered shall inure to the benefit of any one who may sue for the same, and the other half to the city treasury.

“ This act, however, shall not apply to any child who shall already attend a private or a parochial school, or where because of extreme poverty, the person having the custody as aforesaid of such child is unable properly and sufficiently to clothe such child in order to send it to some school as aforesaid, or where such child has received a certificate from its teacher that it is able to read, write, and cipher, with reasonable facility, or where the bodily or mental condition of such child is such as to prevent its attendance at school or application to study.

“ The Board of Education of the First School District of Pennsylvania is hereby authorized and empowered to exempt any child from attendance upon school for causes other than those above recited, if, in its opinion, public policy and the successful operation of this act shall require it.”

The bill farther provides for an official inquiry conjointly by the school and municipal authorities into the number and status of the children coming under its provisions. In case parents or others having charge of a child shall prove unable or unwilling to pay the penalty provided, or having paid it, shall still refuse compliance with the act, or in case they are unable to clothe the child for attendance at school the Board of Education shall place such child in the Industrial School, for the erection of which the act provides, and in which it shall be taught to read, write, and cipher, as well as trained to some useful occupation. Every child leading a vagrant life in the streets of the city, is to be placed in the same school. Until the erection of the Industrial School, the children referred to are to be taken care of in the city House of Refuge, apart from those who may be confined in that institution under sentence of court.

AN AMERICAN UNIVERSITY. — The importance to this country of an increase of facilities for the highest culture has been felt by our leading educators for many years. At various times it has found expression, and in various ways laid claim to popular recognition and sympathy.

Acting under the conviction of serious deficiencies in this regard, and

of the difficulty of supplying them, the National Government has appropriated lands, and individual States and private citizens have given large sums of money, for the establishment and endowment of "seminaries of learning" and "universities." Some of these institutions have attained a large measure of usefulness within their necessarily quite narrow limitations, and others are bravely struggling upward, with a resoluteness of purpose worthy of larger means. Nevertheless, as a class, they have fallen far short of what is demanded by the country and times; and, as individuals, even the best of them suffer from an impartial comparison of them with the foremost institutions of some other countries. And, what is worse, with the present sway of sectarianism and local ambition, — sentiments which lead to a constant multiplication of abortive efforts, — there is but little room for hope that the object of so many aspirations will be gained for a long time to come, unless measures be cordially adopted that will insure the concentration, at some one desirable point, of the means and forces requisite to a *true university*.

That this same view was entertained by leading statesmen when the foundations of the Republic were laid, is shown by many facts of our early history; prominent among which are the offering of propositions by both Charles Pickering and James Madison, in the Constitutional Convention of 1787, to provide for a National University at the seat of Government, and the repeated and urgent recommendations to that end made by Washington, in his messages to Congress.

At a day comparatively recent (in 1852, if we are not mistaken), a number of the ablest and most learned men of the country, prompted by a like desire to see a great American institution founded in the interest of the highest culture, known and possible, associated themselves together with the view of promoting this object. Their reliance was chiefly upon private interest and liberality, however, and when these failed, they naturally lost courage, and suspended their efforts.

From that time to a very recent date, although much had been felt and said of the need of a higher and broader institution than any we now have, no concerted effort was made in that behalf until 1869, when the National Teachers' Association, under the inspiration of an address on "The Progress of University Education," by Dr. J. W. Hoyt, of Wisconsin, unanimously adopted the following resolution offered by Professor A. J. Rickoff of Ohio: —

*"Resolved*, That, in the opinion of this Association, a great American University is a leading want of American education, and that, in order to contribute to the early establishment of such an institution, the President of this Association, acting in concert with the President of the National Superintendents' Association, is hereby requested to appoint a committee consisting of one member from each of the States, and of ~~which~~ Dr. J. W. Hoyt, of Wisconsin, shall be chairman, to take the

whole matter under consideration, and to make such report thereon, at the next Annual Convention of said Associations, as shall seem to be demanded by the interests of the country."

A committee was appointed in accordance with the resolution, consisting of the following gentlemen: —

Dr. J. W. Hoyt, Chairman, Madison, Wisconsin. N. B. Cloud, Montgomery, Alabama. Thomas Smith, Little Rock, Arkansas. W. P. Blake, San Francisco, California. B. G. Northrup, New Haven, Conn. L. Coleman, Wilmington, Delaware. C. T. Chase, Tallahassee, Florida. Newton Bateman, Springfield, Illinois. B. C. Hobbs, Indianapolis, Indiana. A. S. Kissel, Des Moines, Iowa. P. McVickar, Topeka, Kansas. Z. T. Smith, Frankfort, Kentucky. T. W. Conway, New Orleans, Louisiana. Warren Johnson, Augusta, Maine. M. A. Newell, Baltimore, Maryland. Joseph White, Boston, Massachusetts. O. Hosford, Lansing, Michigan. W. F. Phelps, Winona, Minnesota. Daniel Read, Columbia, Missouri. J. M. McKinsey, Peru, Nebraska. A. N. Fisher, Carson City, Nevada. Amos Hardy, Concord, New Hampshire. C. A. Apgar, Trenton, New Jersey. J. W. Bulkley, Brooklyn, New York. S. S. Ashley, Raleigh, North Carolina. A. J. Rickoff, Cleveland, Ohio. George H. Atkinson, Portland, Oregon. J. P. Wickersham, Harrisburg, Pennsylvania. T. W. Bicknell, Providence, R. I. J. K. Jillson, Charleston, South Carolina. C. T. P. Bancroft, Lookout Mountain, Tennessee. J. S. Adams, Montpelier, Vermont. Wm. H. Ruffner, Richmond, Virginia. A. D. Williams, Wheeling, West Virginia. Z. Richards, Washington, D. C.

Circumstances having rendered it impracticable for the committee to make a full report at the time appointed, on the 17th of August, 1870, the chairman thereof submitted to the Association at Cleveland, a preliminary report, from which the following passages are copied: —

"Notwithstanding the many and various uses heretofore made of the term *university*, it may be assumed, without fear of successful contradiction, that the leading offices of a true university are these: 1. To provide the best possible facilities for the highest and most profound culture in every department of learning. 2. To provide the means of a thorough preparation for all such pursuits in life, as being based upon established scientific and philosophic principles, are entitled to rank as professions. 3. To exert a stimulating and elevating influence upon every subordinate class and grade of educational institutions, by holding up before the multitude of their pupils the standards of the highest scholarship, and by preparing for their administrative and instructional work officers and teachers of a higher grade of qualifications than would be otherwise possible. 4. To enlarge the boundaries of human knowledge, by means of the researches and investigations of its professors, as well as by the researches and investigations of other advanced minds, encouraged to a greater activity and led to greater achievements by the influence of the university example.

We could hardly hope for *more* than one such university, at least for a long time to come, for it must needs be supplied with a multitude



itself to a machine without usefulness, and almost without life. By the substitution of the collegiate for the university system of instruction, the whole method of the teaching has been changed; and its scope has been narrowed down to an invariable round or curriculum, which every candidate for academic distinction is compelled to pursue without the slightest deviation. Thus the methods of the higher education in England have none of the elasticity which is a prominent characteristic of those which prevail on the continent; a characteristic, by means of which the university keeps itself always abreast of the knowledge of the age, and accomplishes the double object of preparing its pupils for the present, while it informs them of the past.

The American College system was originally a simple imitation of that of England. It has been modified by a large extension of the scope of the curriculum, without, however, extending the time allotted to the course. The effort seems to have been to imitate feebly the elasticity of the university, without getting rid of the inelastic framework with which the higher education was first shackled by the colleges. Nevertheless, reverence for the collegiate system has become to such a degree traditional in England and in our own country, that the expression "liberal culture," is always understood to imply first, education according to a prescribed curriculum; and secondly, acquired learning, of which much the largest part must be that which was the only learning in the seventeenth century.

The attempts made in American colleges to combine instruction in ancient learning with instruction in modern science, giving to both together no larger an amount of time than was formerly given to the first alone, has had the effect to render teaching necessarily superficial. And a perpetual struggle is going on in these institutions between the champions of the old learning and the new. Neither party is satisfied with the hold it has now upon the ground. The first is chagrined that it has been compelled to yield so much; the other is discontented, because what it has gained is not sufficient for its purpose.

While such have been and continue to be the differences between educationists, the question arises, — and it is a very interesting one, — where do the public stand in regard to this matter? and what is the popular estimation in which collegiate education is held at the present time in the United States, as compared with what it was some decades of years, say a half century ago? It is upon these points that the statistics gathered by Dr. Barnard shed some light. We proceed to present some of his results as succinctly as possible; observing that the authorities depended on are, for colleges, the lists of the "American Almanac," from 1830 to 1861, the "American Year Book," for 1869, the "American Quarterly Register," the "American Journal of Education," and (for recent years) the collected catalogues of the colleges themselves. From the lists in the "Almanac" and "Year Book," have

been carefully excluded all institutions not having the character of chartered colleges for male students; and every effort has been made to limit the enumeration strictly to the undergraduate students in arts. For population, the United States census has furnished the numbers for the successive decennial periods; and the enumerations of the several States (where they have been taken) for the points of time, half way intermediate. For the years for which such positive determinations do not exist, calculations have been made upon ratios derived from the census, according to the ordinary rules of computing increase of population.

It appears then, first, that the number of undergraduate students in attendance in 1870 upon all the colleges in the United States was but slightly greater than it was in 1860 (increase from 13,661 to 14,141 in ten years; or 480 only in all); while the increase of the white population of the whole country was about thirty-three per cent. From 1840 to 1860, the increase in the number of students was forty-five per cent. (from 9,416 to 13,661 in twenty years, — absolute increase, 4245); while the white population of the country in the mean time increased very nearly one hundred per cent.

Comparing the numbers of the students at each of these periods with those of the white inhabitants of the country, it is found that, in 1840, every fifteen hundred persons of the entire population furnished to the colleges one undergraduate student; but that, in 1860, one was sent for every two thousand only, and in 1870, one for every twenty-five hundred.

To avoid or evade the objection that the statistics of the whole country embrace the pioneer populations of the West and Southwest, in which the need of the higher education is less felt than elsewhere; while new States have been rapidly growing up upon our frontier in recent years, Dr. Barnard has examined and compared with these general results, those furnished by the earliest settled States of the Union, such as Connecticut, Massachusetts, etc., considered separately. Connecticut, for instance, had in 1838, two hundred and seventy-five undergraduate students in colleges in that State and in other States; but only two hundred and forty-four in 1870; a considerable decrease, although the population had in the mean time increased from 300,000 to 560,000. In 1826, Connecticut furnished 236 undergraduate students to all the colleges in the country, a number less by eight only, than she furnished in 1870, nearly half a century later.

In 1838, New Hampshire furnished to the colleges 272 students; in 1870, only 178, the population having in the mean time increased about 50,000.

Vermont furnished in 1838 as many as 280 students; in 1870 only 223, the increase of population having been 30,000.

Massachusetts has nearly doubled her population since 1838. The

number of her undergraduate students in all the colleges of the country is now 732 ; in 1838, it was 623. And it is noticed that the absolute increase of students from Massachusetts is owing to "an extraordinary and unprecedented increase in the number of undergraduates at Harvard University ;" without which Massachusetts, like Vermont, New Hampshire, and Connecticut, would have exhibited a retrogradation instead of an advance. Moreover, this increase at Harvard University has been undoubtedly owing to the fact that that institution has been, in recent years, gradually extricating herself from the fetters of the iron-bound collegiate system, till at present her teaching is almost as entirely unshackled as that of any European university ; and hence the growth of her numbers is no indication of growing esteem for that system, but directly the reverse.

New England is the only part of the country in regard to which records have been found which allow a comparison in detail to be made between the present and the past. It is fortunately also the part of the country in which educational systems were earliest matured ; and in which the phenomena indicative of public opinion on this subject have been affected by the fewest disturbing causes. The actual number of undergraduate students furnished by each of the New England States to the colleges of the same, or of other States, has been ascertained with a near approach to exactness for the years 1826, 1838, 1855, and 1870. In all New England, the ratio of students, furnished by the States collectively to the total population of the States, was (in round numbers) in 1826, one to 1,500 ; in 1838, one to 1,300 ; in 1855, one to 1,700 ; and in 1870, one to 1,900. From all New England, the absolute number of undergraduate students in the colleges of the country was only seventy-four greater in 1870 than in 1838. If we leave out of consideration Harvard College, at both dates, as we have seen we ought to do, the total number of undergraduate students furnished by the New England States was actually less in 1870 than in 1838, by 160. And yet, between these dates, the population of New England had increased fifty-five per cent.

New England sends but very few students to colleges beyond the limits of New England ; but her colleges receive very many from sister States. In 1870, the number of undergraduate students sent from New England to colleges out of New England, was less than seventy ; but the number in attendance on New England colleges from States not belonging to New England, exceeded nine hundred. It is owing to this fact that the total number of students in attendance on New England colleges has been for the last half century increasing ; though of late years, more slowly than before ; while the actual attendance on those colleges *from New England only*, has been for fifteen years nearly stationary ; or if Harvard University be left out of the question, has been actually retrograde. Of all the New England colleges together, the

total attendance, the attendance from New England, and the attendance from States not belonging to New England, is shown for the several dates above named, in the following:—

Year	1826	1838	1855	1870
Total Attendance	1402	2087	2487	2617
Attendance from New England	1156	1587	1697	1715
Attendance from States not of New England	246	500	790	902

Thus the foreign attendance has steadily grown, but the growth in recent years has been comparatively slow.

But even with the aid of accessions from without, the individual New England colleges have, in most instances, a smaller attendance at the present time than they have had in former periods of their history. This is true of eight of the eleven colleges which were in existence in 1826; the exceptions being Harvard, Yale, and Trinity; both the latter having at present a very much larger proportion of their students from abroad, than from New England. Yale College had, for instance, in 1870, more than three hundred from States beyond New England, and only two hundred from all the New England States put together. In 1824, Yale College had 178 undergraduates from Connecticut alone, she being then the only college in the State. Now there are three colleges, Yale, Trinity, and the Wesleyan, having a united attendance from Connecticut of 190, only twelve more than Yale alone had half a century ago, although the population of the State has in the mean time doubled.

The papers of Dr. Barnard, referred to in this abstract, go into many details which we have not room to reproduce; all conspiring to confirm the general conclusion that the drift of public sentiment in the United States is unfavorable to the maintenance of the inflexible system by which our colleges have so long been bound. The remarkable successes of Harvard University, under her new system, of the Michigan University, of the Virginia University, and of the more recently established Cornell University, furnish corroborative evidence of the same truth.

One very significant result deduced from a view of all the statistics collected, is, that during all the earlier years covered by the inquiry, the tendency of public opinion was decidedly opposed to that which so strikingly marks the later. From 1826, and from probably a much earlier period, the collegiate system of education was steadily gaining ground in popular favor. The turn of the tide appears to have taken place about the year 1840, a point of time nearly coincident with that at which the numerous applications of modern science to the amelioration of the condition of man began to be generally felt and appreciated.

Dr. Barnard has given careful attention to the question how far the conclusions drawn from the educational statistics examined, are amenable to question, on the ground of any disturbing influences, which the influx of large accessions to the population of the country from abroad,

of the development of manufacturing industry at home, or the growing disposition of Americans, to send their sons to the educational institutions of Continental Europe, may have exerted upon the phenomena. In regard to the first point, he has found that the indications unfavorable to the collegiate system are most strongly marked in the States where the foreign element bears the smallest proportion to the population, or is most nearly stationary; and least so in the States in which this element is, and has long been largest, and is most rapidly increasing. Connecticut is somewhat anomalous in respect to this matter, having a proportion of the foreign element approaching to that of Massachusetts and Rhode Island; but agreeing nevertheless with Vermont and New Hampshire, in the very decisive indications which they furnish unfavorable to the system, rather than with her immediate neighbors, whose statistics if unfavorable are less so. The influence of the foreign element of the population upon public sentiment in regard to the question in hand, appears therefore to be insensible.

An examination of the industrial statistics of the country, leads to the same conclusion, as it respects a possible influence of a similar kind proceeding from the growth in certain of the States of great manufacturing establishments.

Finally, as it respects the possible effect on the numbers resorting to American colleges produced by the disposition of American parents to send their sons abroad, it is, first, an open question whether this is really, as assumed, a *growing* disposition; and it is secondly, a matter of simple fact, that the education which is sought for such young men is a different education from that which American colleges give; so that the presumed disposition, if it exists, is itself among the phenomena which show that the collegiate system, in the form in which it has so long existed with us, is losing ground in the popular favor.

The brief synopsis which we have here endeavored to give of the results of Dr. Barnard's inquiries, will suffice to show that the aspect of the question which they present is one deserving attention. Hitherto the merits of educational systems have been discussed mainly *a priori*, and upon theoretic grounds alone. But it is little to the purpose to prove, or to *seem* to prove, abstractly, that any system is the best possible, provided that, after all, the deliberate judgment of the people for whom it is intended, pronounces it not to be such. It is to be hoped, that hereafter, educationists will devote more thought than they have done hitherto, to the statistics of this subject; and that they will coöperate with each other in the endeavor to make these statistics at once full and exact.

**FOOD FOR THE PEOPLE.** — The amount of food annually consumed in Massachusetts by its million and a half inhabitants can be easily calculated. At two dollars a week for each individual, it exceeds in value

one hundred and fifty millions of dollars, and the fuel, wages, and other expenses in preparing it for the table may be safely estimated at as much again. Boston, with one sixth of the population of the State, probably consumes at least one fourth part in value of flocks and herds, sugar and flour, fruit and vegetables. A large portion of the towns in Eastern Massachusetts draw their supplies in part from the capital. They have no markets or market days of their own. They produce, but not enough for their wants, and for the rest they send to the city. Any improved methods of supply, transportation, or distribution, that promise to increase its quantity, improve its quality, or lessen its cost there, will be serviceable elsewhere.

Increased market accommodation in central positions are of the first necessity. Last year petitions were presented to the city council of Boston praying for enlarged facilities and better regulations, and the subject was referred to a highly intelligent committee, who heard evidence, visited other places, and in their printed report, recommended the purchase of sites at South and East Boston and Roxbury; but they came to the conclusion that no suitable spot was to be found in the city proper which it would be prudent to purchase. Opportunities are likely to offer even there, however, in the removal of railroad stations, when the buildings they leave behind them can be readily adapted to market purposes. One defect in the regulations was pointed out to the committee and remedied. Market carts bringing produce from farms in the neighborhood had been forbidden to remain later than eight o'clock in the street contiguous to the Central (Quincy) Market, and in the frequent instance of their not completing their sales by that hour, they were forced to sacrifice, not to consumers, but to stall and cellar holders. Should the city ever be fortunate enough to possess market accommodation commensurate with the business to be transacted, stalls would be cheaper and sales effected with less expense. Supplies being more abundant, and prices more reasonable, what are now luxuries would be brought within the reach of larger classes of consumers, and the aggregate of profits from the increased amount of sales would not be diminished. It would work no harm to any one. Housekeepers would more generally resort to first hands for their daily purchases. Storekeepers would do a larger business at less expense by taking stalls in the new markets. Owners of a few of the estates now occupied by provision stores might sustain for a time some loss of rent, but with the growth of wealth and population would find equally lucrative use for their property. The amount of market rents now going into the public treasury, about one hundred thousand dollars, is an insignificant percentage (about a mill on the dollar) on the total of sales of food in the city, while it would not be extravagant to say that the saving to the city in a single year, from a better system, would pay off half the city debt. As a question of political as well as household economy, cheap food, if

good, tends to promote general prosperity. It develops wealth, creates values to be taxed, and in many other ways benefits a city. Authority, if enlightened and up to its work, will not neglect or defer what is apt to become more difficult and costly the longer it is delayed. There can be few Bostonians, at all events, insensible to the want of larger and better markets.

Some defects in the existing markets might be rectified at once. They should be more closely connected with the railroads and steamers that bring meats, vegetables, and fruits from various quarters. Much of the fruit, in particular, is shaken over uneven streets; strawberries and peaches and other equally delicate descriptions perishing in large quantities, to the great loss of those who might have enjoyed them, or sold damaged to the greater detriment of their consumers. Not only fruit and vegetables, but milk, butter, and eggs, are still brought into our cities from the surrounding country. Forty years ago, market gardeners passed a part of the night upon the road to be on their rounds or in the market place at daybreak; and it was stated at the hearing last winter, to which reference has been made, that a large proportion of country produce is still brought in the same manner. But it is easy to see that increased facilities and ingenious contrivances for bringing market stuff with the least possible deterioration, will soon supersede the older transportation. If farmers all over New England could send the produce of their farms directly from their railroad stations to the market, and stalls were cheap enough to make it worth their while to have one of their own, or if the transportation were rendered sufficiently simple, safe, and economical to enable their sending what they raised to dealers upon favorable terms, much more would be sent, and what was sent would arrive in better condition and at less cost. They would thus be encouraged to improve their soil, to replant orchards and forests, to rebuild houses and barns, to be more content with the life and occupation of the country.

Not only should our markets be abundant and well connected with railroads and steamers, but more attention should be paid in them to the inspection of food. Recent reforms originating in the zeal of public spirited individuals, have been introduced to advantage and worked well. Our milk inspection, after much opposition, has prevented or greatly diminished the adulteration of milk. The society for the prevention of cruelty to animals has done much to discourage the crowding of cattle and sheep in the cars or bringing them famished or fevered to market. But we still need well regulated shambles where only healthy animals shall be slaughtered and no meat leave them that is not fit for the table. In France the *abattoirs* are regulated by law, so that whatever finds its way to market is wholesome. The Jews in Boston have the guarantee of their Rabbis that their meat is not carrion. We certainly should not allow either Jew or Gentile to be in advance of us

in a matter so vital to the public health. We should have reliable assurance that what we buy is what it purports to be and what we bargain for. Statutes impose penalties. Market clerks are clothed with powers occasionally exercised in flagrant cases, where violations of law or ordinance end, as lately, in death. But it is believed the existing system is neither sufficiently searching nor sufficiently comprehensive. It should be thoroughly revised. We possess now a complicated system of inspection of weights and measures, of fuel, fish, staves, and numberless other articles, responsible to no one, how far useful not generally known. If consolidated, simplified, methodized, the public would be more perfectly protected and at less cost. Perhaps, by such consolidation, an inspection of food could be created without increasing the public burdens, to receive complaints and institute prosecutions. It could be learned and made known if any dealer sells something adulterated, damaged, or decayed, on short weight or measure, or for exorbitant prices. Such a duty might well be imposed on the State board of health or officers of its appointment. It certainly is incumbent on that board to suggest what mode is most practicable and likely to prove most efficacious of ensuring good food and cheap for the people.

In the absence of any other proposition for dealing with the subject, without attempting too ambitious a scheme, the expediency is suggested of a branch of our Association to take charge of the matter. This, in honor of one of our New England worthies, might well be entitled the Rumford Department. It hardly needed Dr. Ellis' interesting biography of that eminent man for us to know who he was, but so few, comparatively, appreciate his distinguished services to his fellow beings as a scientific and social philosopher, that it was well to remind his countrymen of them. It is from his position as a domestic economist that his name would, with propriety, be attached to the department suggested. Its general field should be whatever concerns the household, construction, warmth, or ventilation, clothing, food, and service, but its more special charge at the outset should be food alone. It should collect statistics, influence opinion, procure desirable legislation, by diffusing information and intelligence, proclaiming abuses, and suggesting remedies. It should have its stated meetings, discuss points in controversy, and provide for lectures and publications as to the selection and preparation of food. Roasting of meats and baking of bread would seem to be simple matters, but they are little understood. Many must well remember the popular lecture by the late Mr. Horsford, long Rumford Professor of Harvard College, on the latter subject. It is so desirable that whatever is consumed should be wholesome and palatable, and that none of our blessings should come to naught from the ignorance of cooks, that the subject cannot be too often or in too many ways brought home to public notice. The best hours of nourishment, the quantities required for different ages and bodily conditions, the combi-



nations of food most conducive to the greatest constitutional vigor and health, to that state of mind and body best fitted for mental and physical labor: these are matters on which depend our comfort and usefulness. They are governed in some measure by appetite, reason, or observation, but that these are not always safe monitors is manifest.

One service such a department might render to the public, would be to recommend twenty or thirty of the leading minds, who have a taste for such matters, in every town to organize what might be called a Rumford Society. Such an association would be of great use in raising the standard of domestic service, in securing the largest facilities of transportation, in agitating for reforms desirable in public administration, and in introducing what is discovered and adopted elsewhere for health and comfort. It would also suggest the best modes of selecting and preparing food, learn and teach how to cultivate what is worth raising, and especially and generally secure for themselves and their fellow inhabitants the best of everything at the lowest rate. We are now said to be the most wasteful people in the world. We certainly spoil much precious material from not knowing how to turn it to account. But we might become one of the most economical, and derive fourfold advantage from what we now throw away without any adequate equivalent.

**DWELLINGS FOR WORK PEOPLE AND PERSONS OF SMALL INCOME IN PHILADELPHIA.** — The site of the city of Philadelphia has greatly favored the most liberal assignment of space for the erection of dwellings; the entire area between the Delaware and the Schuylkill being an undulating plain, nearly every foot of which was eligible building ground. As much of the plain lies on a substratum of sand and gravel, there is a natural drainage to cellars, and an exemption from the necessity of sewer connections for the drainage of buildings. This area embraces nearly thirty square miles between the two rivers, and, indeed, both west of the Schuylkill and east of the Delaware, the same eligible surface extends indefinitely.

For twenty years past a very general attention has been given to the erection of brick dwellings in full blocks, extending the length of the square built upon; these squares being almost always rectangular on the city plan, and 400 to 450 feet square, as bounded by the principal streets. Such a block or square will be cut through in one direction or the other, by perhaps two intermediate streets; and the general plan of building is to place first-class three story brick dwellings on the principal streets bounding such square, while on the intermediate streets two story brick dwellings are built; a square thus built upon, having from 100 to 150 dwellings, of which, perhaps 8 or 10, at the corners only, are prepared for business purposes. The principal streets are uniformly 50 feet in width, 26 feet being carriage way, and

two brick side-walks, 12 feet wide each, making up the legal width of the street. The intermediate streets are 30 feet; 14 feet being carriage way, and the brick sidewalks being 8 feet each. The frontage of the several blocks on the main streets is usually closely built up, the houses being 16, 18, or 22 feet in width, without side yards; or if with side yards, 6 feet more for each house. On the intermediate streets, the fronts are 14, 15, or 16 feet only, the blocks of houses being compact and continuous, without side yards. On one intermediate street passing through a square of 400 feet, 40 two story dwellings will be built, 20 on each side, and still leave 2 dwelling depths of 60 feet each at the extremities; or if carried quite through, which is rarely done, 60 dwellings may be so built, 30 on each side.

The depth of the lots varies from 45 to 65 feet. On the deeper lots, of 55 to 65 feet, two story houses of 6 rooms are usually erected; the house walls extending 35 to 42 feet. (See Diagram A.) The best are 16 feet front, 42 feet deep, with a basement  $3\frac{1}{2}$  feet from the pavement; 5 marble steps; a first floor of 3 rooms, 10 feet high; a second floor of 3 rooms and a bath-room additional 9 feet high. These houses are valued at from \$3,000 to \$3,200 each.

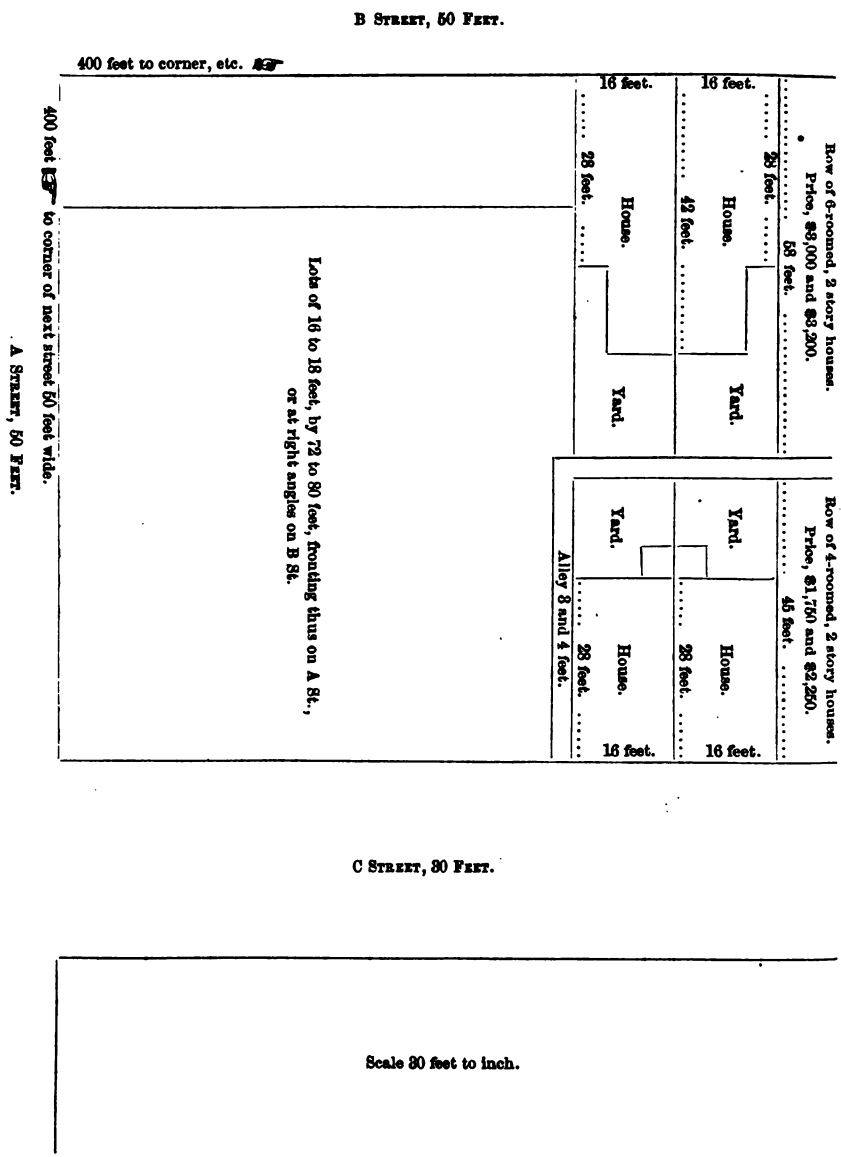
On the shallower lots of 45 feet and upwards, the houses are usually 27 to 30 feet in depth, with a front 14, 15, or 16 feet wide. (Diagram A.) The basement is elevated  $2\frac{1}{2}$  feet above the pavement, well walled with stone, and 8 or 9 feet deep; a first floor has 2 rooms, 9 feet to ceiling; a second floor has 2 rooms and usually a bath-room additional, 8 or 9 feet high at the front of the house, sloping to 7 feet at the rear, with flat roof, usually covered with felt, pitch, and gravel. The number of rooms is 4, but a hall  $3\frac{1}{2}$  feet by 18 below, an outer kitchen with shed roof, and a bath-room 6 by 7 feet, extending back on the second floor, really enable an occupant to make 2 more rooms, or, in all, 6 available rooms. Many of these cheaper houses are occupied without fitting up a bath-room, and without gas fixtures or hot-water apparatus; but all can have these conveniences if required. Without them, the rent is \$12 to \$15 per month; with them \$15 to \$20 per month; and the cost is \$1,750 to \$2,250 for absolute title. If desired, one half this sum is usually placed in a ground-rent at six per cent., which may remain or may be paid off.

Some features are common to both classes of houses, namely, pressed brick fronts; white marble steps, sills, and dressings; a floor  $2\frac{1}{2}$  to  $3\frac{1}{2}$  feet above the general level, thus giving a deep, and always dry cellar or basement, with abundant light in the two grated windows of the front; gas and water connections; a hydrant in every yard; a yard never less than 14 feet square, with a gate opening on an alley or street in the rear.

It is, however, to the second class of houses that we desire to call especial attention as the cheap and eligible residences for workingmen

DIAGRAM A.

Showing situation of Houses in Building Squares, 400 × 400 feet,  
bounded by 50-foot streets, with intermediate 30-foot streets.



and all persons of limited means, which have been built by thousands in Philadelphia during the last ten years. (See Diagram B.) Their erection has rendered the existence of tenement houses well-nigh impossible in all but the crowded streets of the older portion of the city.

Diagram A, shows the situation of these houses, the open streets on which they front, and the facility of access to the rear. This is all important. In the older parts of the city, many houses of about the same dimensions are to be found, but they stand in courts or alleys, under very different influences, sanitary and other. The houses to which this paper refers, front on streets 30 or 50 feet wide, cutting straight through a square, 400 feet by 400. Take a house from such a position and put it in an alley; and it is transformed from an attractive into a most unattractive habitation.

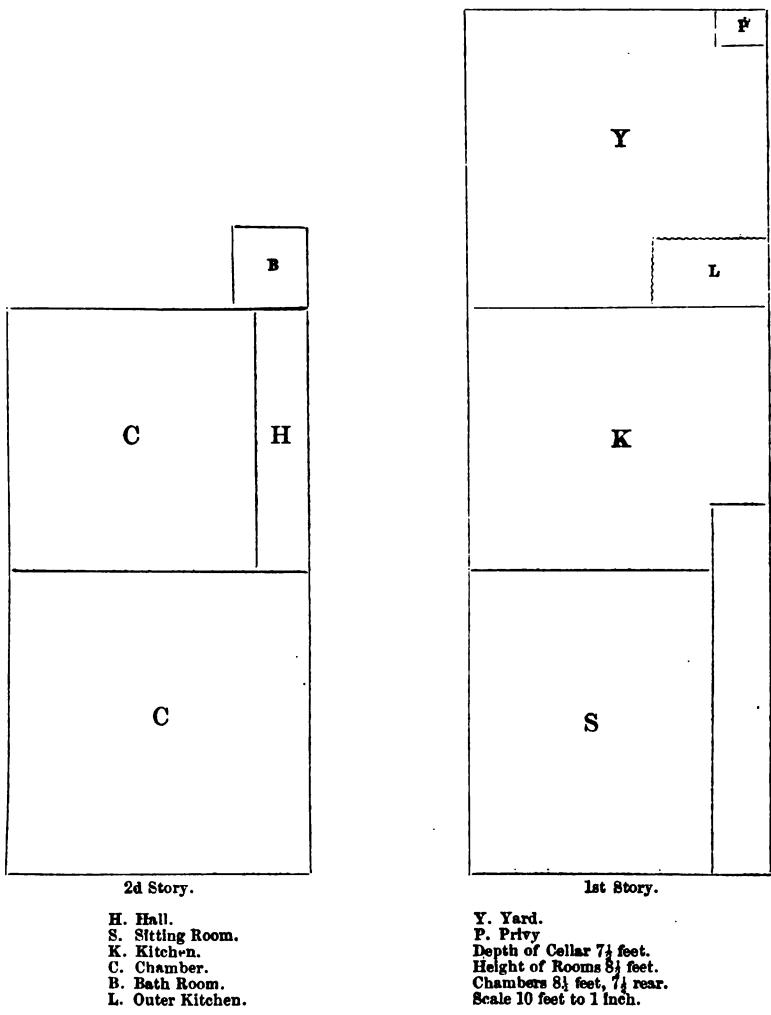
Attention is also to be called to the fact that the Philadelphia houses in open situations are not too far removed from the quarters in which their occupants are employed. Many large manufactories and other industrial establishments are in their immediate vicinity, while the distance from the central points of the city may be generally stated as not over one mile to one mile and a half. All are near street railroads, and in no manner isolated in undesirable localities.

The peculiar advantages offered to a mechanic or laboring man in regard to purchasing these houses are, that one half the value can always be placed in a permanent ground-rent, which is so much better than a mortgage that it is quite within control, and cannot be called in at the option of the holder, or after any fixed period, yet it may be paid off if the occupant chooses, or is able to do so. And the other half of the first cost may usually be paid in annual instalments, secured by a second mortgage, or sometimes by other security. It has been ascertained by careful inquiry that two thirds of these cheaper houses are sold after erection to the first occupants; and that most of these purchasers complete their payments, and obtain absolute title. About one half of the whole number are regularly rented, sometimes by the original builder, but more generally by persons who buy them for investment.

They are certainly successful in every sense; that is, they pay the builders as well as the occupants. Permits to build nearly a thousand of them have been taken out for each month, March and April, just passed; and there is no doubt that five or six thousand will be erected during the present building season. Five thousand were built in 1870. A steady increase in the number built has taken place every year, and no aid of capitalists or of benevolent agencies has at any time been asked or obtained. The building has in all cases been done by mechanics and builders by profession, generally persons of small capital, who often distribute a share of the dwellings built in a block, in part to the person who furnishes bricks, in part to the carpenter, the stone-mason, the painter, the plumber, and others. Out of fifty houses built by one

DIAGRAM B.

*Showing plan of Houses 16 × 28 feet, on lots 45 deep, fronting on 30 feet street, with alley 3 and 4 feet in the rear.*



builder in a single enterprise, perhaps half will, in this manner, be sold to the parties furnishing the materials; and in this way eight or ten persons are interested in making final sale of them to permanent occupants.

**CHEAP TRAINS.**—The Massachusetts Legislature has been petitioned to require railroad corporations about Boston to run cheap trains for the accommodation of mechanics, artisans, and laborers. In support of the petition it was urged that homes had been broken up and the expenses of living greatly increased for the direct benefit of railroad property. For example, the Boston and Lowell Railroad had been authorized to take a piece of land covered by two hundred houses, most of them occupied by several families. Eminent domain has been given without limit to irresponsible corporations, while no provision has been made for securing the rights of tenants deprived of their homes. The legislation asked for has been adopted in Europe with signal advantage. In the British House of Lords on Friday, April 22, 1864, the following sessional order was proposed by the Earl of Derby, and unanimously adopted, namely, "That it be an instruction to the committee, providing for any railway constructing in the metropolis, to require such railway company to run a cheap train morning and evening, the fare not to exceed one penny for the whole journey." His lordship also remarked that this rule applied already to the North London Railway, which may be seen on reference to their act, 24 and 25 Victoria, c. 196, sec. 45. He further stated that the London, Chatham, and Dover line voluntarily adopted the principle on his motion, by agreeing to run trains morning and evening, a distance of ten miles, for one shilling a week. In justice to the railway companies required to furnish this accommodation, it is provided that the number of workmen claiming this privilege shall not be less than one hundred. Three years before this, on the 11th of March, 1861, Lord Ebury informed the House of Lords that an arrangement had been made that day with three of the principal railway companies by which they consented to convey not less than one thousand passengers a day from any place within ten miles of London and back for two pence a day, thus offering a great inducement for the formation of suburban villages on a large scale.

The petitioner (Mr. Josiah Quincy) also showed the important bearing of cheap trains upon his plan for providing homes in the country for laborers and artisans. The improvement of the condition of the working class is vital to the interests of the State. To give the laborer proper independence he should be the owner of a house, or, at least, have a property interest in a house that could not be taken from him at the caprice of a landlord. While this is manifestly impossible in the city, associations are forming to provide their members with homes a few miles in the country. The legislation asked for will breathe into

those associations the breath of life. It will enable workingmen, by depositing in a savings bank the difference between the high rents they now pay and the interest on the wholesale value of a house in the country, to provide themselves with homes at once, and in a few years to own them. Were the villages contemplated established, the business of freighting and the regular fares paid by the friends and families of the householders would more than compensate the railroads for the accommodation asked by the petitioner.

BUREAU OF STATISTICS OF LABOR OF MASSACHUSETTS. — The second annual report of this Bureau, extending to March 1, 1871, goes over a great deal of ground. It contains, to use its own summary, "an account of the origin of combination, and its development into the Gilds of ancient times and the Trades-Unions of modern days, the origin and object of strikes, and a minute account of several of those which occurred in Massachusetts in 1870, with suggestions that point to a melioration of their evil effects, to a diminution in their occurrence, and ultimately to their entire extinction through natural and peaceful processes. Following these is information upon agricultural, domestic, commercial, manufacturing, mechanical, and other industrial subjects, derived from replies received in answer to blank circulars sent to employers and employed, and from oral testimony given by each of those parties, covering the subject matter of wages, earnings, and cost of living, methods of work, working time, hours of labor, educational condition, women's work and wages, factory life, child-labor. Special subjects of investigation are savings-banks, the profit accruing to each operative in a factory were the establishment coöperative; the influence of factory life, and the employment of children in factories; the results of reduction in hours of labor; present actual wages abroad; examination of the homes of the poor in Boston."

In a programme so extensive, some points naturally find more thorough treatment than others. If we may discriminate in a kindly spirit, we regard the theories of the report as of less value than the statistics, and of these the better part seems to us to consist in these which relate to local interests, particularly the Cape fisheries and the working-women of Boston. A peculiar interest attaches to the statements made by workingmen before the Bureau. As one reads them he gets new glimpses into lives with which he would fain be more familiar; he sees what their joys are and what their sorrows, learns what they want or think they want, and respects or pities them according to the character they disclose. We have gone over many pages in this part of the report, hardly conscious of reading an official document, but feeling as if we were standing by a workman in his mill, or sitting with his family about him at his home. Taken together, these experiences of the working classes, written down from their own lips, are a contribution to the

labor question, and to all the subjects involved in it, such as is seldom made within the covers of a single volume.

Here is part of the story of a girl from New Hampshire : —

“ Came to Boston March, 1865, to live with Mrs. — on Beacon Street, in capacity of seamstress, and to take some care of the children three and five years old ; lived there until October, 1869, receiving \$3 per week. Was allowed Thursday evening of each week and one Sabbath per month. Finding my health failing, I resolved to seek employment in some shop, not thinking I should find any difficulty in obtaining work which would afford me a living. I obtained work in a clothing shop at finishing pants; earned \$3.85 the first week, the next a little more, and so on for thirteen weeks, paying \$4 per week for board, sharing a room with three others. I was then again taken sick and unable to work for two weeks; drew some of the money I had earned while in service from the savings bank; cold weather came on and I was obliged to draw more to procure clothing for the winter; dull times coming, was discharged, or rather told there would be no more work for two months. Day after day I went in pursuit of work, but having no trade was refused many times where I might have obtained it had I been qualified to make a garment entire, or to do nice embroidery. My inability was the bar to my obtaining work in dull times, so I was refused at every place. I went to my lodgings discouraged and sick: had no home to flee to, no work, and was using my little savings faster than I had earned them. Was taken sick, stayed in my boarding-place until I had drawn my last dollar from the bank; growing still worse, my physician advised me to go to the hospital; this I had great dread of doing, but was growing worse so fast I went, and stayed four weeks; was then able to work a little; returned to my boarding-house and was refused board without payment in advance; was obliged to accept the hospitality of two former shopmates and sleep three in one bed; next day obtained work, finishing pants; soon we were cut down ten and fifteen cents every payment. Workwomen are constantly discharged and new girls hired so often that I am now in constant dread of a discharge.”

A journeyman mechanic thus opens his mind about the inadequacy of the wages system : —

“ I am impressed with a conviction that human labor is but partially influenced by the laws of supply and demand, and the working classes have ascertained by sad experience that their supposed equality with capital is a delusion. They see that there is no such freedom of upward range in wages as is claimed to exist. There is always an abrupt and sharply-defined point limiting the advance in income, corresponding in its nature to the fixed height of the fluid-column in the exhausted receiver, while on the descending scale of wage the almost uniformly mournful history of labor proves the inadequacy of the competitive system to meet, in any fair estimate, the needs of the laborer or the demands of equity in his behalf. There is not the least reason, broadly considered, to suppose that the first award to labor in the shape of wages bears any just relation to production. The vast amounts hoarded in our cities have gone, by the terms of the original division of the results of toil, into the hands of capital. If there was ever a State in the world preëminent for the laborious industry, frugality, intelligence, and temperance of its working people, Massa-



chusetts is that State. Labor has not had its fair share and then lost it through idleness, extravagance, or debauchery, but the vicious principles of a corrupt industrial and financial system have robbed it, until the amazing exhibit which the facts and figures make has ceased to alarm the public conscience.

"Here is a whole working population absorbed in material pursuits, or at least so engrossed for thirteen or fourteen hours each day as to turn to a superficial farce the attempted devotion of a brief interval of exhausted effort to spiritual, intellectual, ideal, or social avocations. The absolute abandonment of the privacy of the home by our respectable working class in double occupancy of a house; the full development of the same poverty-stricken tendency in the abominations of our tenement houses; the exodus from the State each year, as shown by the United States census, of five or six thousand of the best class of our working-people; the withdrawal from our churches of laboring people utterly unable, by their utmost effort, to command an income sufficient for such expense; the prodigious stimulus to fraud and crime which results from the low average income of the people; the prostitution and misery of woman, forced out of her natural sphere by the general avoidance of marriage obligations on account of expense,—all these are confidently pointed to, by intelligent and thoughtful labor, as inevitably resulting from the appalling inequality in the distribution of wealth."

The testimony of a mule-spinner bears directly upon points in the preceding extract:—

"Am English born and have been a spinner since ten years of age; have a wife and two children; herself and a child, 12 years old, work in the mill, both weaving; the wife, with the girl's help, tends 10 looms, running 156 picks per minute; some tend 8, some 7, if without child help. Wife and child leave the house 4 days of the week at 6.20 in the morning, and do not return till about 7.30 at night. Wednesdays and Saturdays they leave home at 5.30 A. M., and on Saturdays get home at about 4.15 P. M., so that they are absent from home on 4 days of each week 13 hours 10 minutes; Wednesday of each week 14 hours; Saturday of each week 10.45 minutes, making for absence from home each week, 77 hours and 25 minutes. Of this time they occupy about 3 hours going and returning, and 4½ in eating dinner at the mill, as they never go home to do that.

"[They are, then, really in the mill 74 hours 25 minutes per week, an average of 12 hours 24 minutes a day. Of which 69 hours and 55 minutes are given to work, being an average of 11 hours and 39 minutes per day under an 11-hour system.]

"For breakfast we manage thus: I get up at 5 o'clock and let wife and children lie while I get the meal ready, then they get up, we eat and start for mill.

"Q. Who gets your dinner? A. We make it and put it in the pails over night, because we have no time in the morning. I take my dinner to the mill and eat it there, then I run home and do a little choring, chop wood and the like of that, to get ready for the night. I have bread and meat and a little pie, — the same as wife has. I get home at 7 o'clock, and help along supper until she gets home, and then it will take us both until half-past 7 to get ready to commence on the supper, and we get through supper about 8 o'clock. Q. In the summer time you have a little daylight, and in the winter none at all?

A. Yes, sir. Q. What time do you get home on Saturday afternoon? A. 4 o'clock; we leave off at  $\frac{1}{4}$  before 4. Q. How do you employ the time on Saturday afternoon? A. Cutting wood and choring round; odds and ends. Q. How do you employ yourselves on Sundays? A. I generally lay in bed until about 8 o'clock Sundays. Then we both get up and get the children ready for Sunday-school and send them to school, and then it takes wife and me about all the time to wash, clean, and scrub up the house, and cook the extra dinner for Sunday, so we can have a comfortable meal. We have warm dinners on Sunday. In the afternoon we sometimes take a nap. Then I get supper, and take a walk round and get myself ready for Monday morning again. Q. Why do you not attend church on Sunday? A. I really have not time, because if I went to church, my woman would have all the work to do, and it would take her all the day Sunday, and that would be seven days' work, and I would be resting and she working, and so I stay at home and help her, and we get through just in time for dinner, and then we take a nap and take a walk in the afternoon. Q. Was that your way in England? A. Yes, sir. Q. You didn't attend church there? A. No, sir. Q. Do the factory people of England, as a general thing, attend church? A. No, sir; I do not suppose they do; the majority do not, anyway. They are too tired, I suppose, though when we had ten hours a day we had considerable more time than we have now. In England we had even more, because we had no wood to chop; we burnt coals and we could kindle them with paper, and then we had taps in the sink and got water from them, but here, we have to fetch water; we have to fetch it from 100 to 200 yards in some places. There we had taps on the sink for cleaning water and drinking. I don't think they have taps ever in boarding-houses in our town. Q. Your children attend Sunday-school? A. Yes, sir. Q. When does your wife do the mending for the family? A. She does it at night after we have had supper. Q. Did you marry a factory girl? A. Yes, sir; she was brought up in a factory from 8 years of age. Q. What opportunities had she had at any time during her life to acquire a knowledge of household work? A. I don't know that she had much. Factory girls can only learn cooking, washing, mending, and housework after they get home from mill, and at no other time. I don't know as they are as apt at these things as out-of-mill girls who live at home or service. They cook plain food pretty well. My wife lets out the washing (she has to) at 70 cents a dozen. Q. Describe your house. A. My house is one in a 4-tenement block. My kitchen in which we live is 15 by 14 feet and 8 feet high, with a single room used also as a closet, 4 by three. I have two bed-rooms 9 by 7, and 8 feet high, and two attic rooms which come down low on the sides. There is a cellar also, in which we keep wood and coal and put our food. The privies and a common well and common yard for drying clothes, are between the two blocks. I leave my youngest child at home, she is 10 years old; she gets her own breakfast from what we leave for her on the table. Then she washes herself, or comes to the mill and I wash her. At a little before 9 o'clock she goes to school and then comes to me at the house when I go from the mill after 12 o'clock, to job around a little. She eats for dinner what is left in my pail. I go back to mill leaving her at the house till about 2 o'clock, when she again goes to school. After school she comes to me at mill, and I give her the house-key. She goes home, unlocks, and waits for us to come home. My wife has worked in a mill all the time since marriage except when confined. Our children took care of themselves after about five years old."

These extracts might be much extended, but our object is simply to give a taste of what may be found in the report. We commend it to all our readers, to those who employ and those who are employed, to those who care and those who do not care for the toiler and the sufferer, for there is no one with a brain to think and a heart to feel but must be moved in some way by being brought into direct contact with the men, women, and children, whom this volume photographs before us, and in such living form and motion, that we not only see them, but hear them, hear them sigh or threaten, confess or justify themselves.

The recommendations at the close of the report show the effect of the inquiries upon the members of the Bureau:—

“1. The establishment of 10 hours as the limit of a day's work in all manufacturing and mechanical or other establishments in the State, wherein men or women, or both, are employed.

“2. The prohibition by law, with appropriate means of enforcement, that no child under 13 years of age shall be employed in any such establishment, nor at that age unless such child has received the elements of a common school education,—age and education to be matters of due certificate, provided for by law; and further, that all children between 13 and 15 years of age, so employed, shall not be employed more than 6 hours any one day, said hours to be between 6 o'clock in the forenoon and 6 o'clock in the afternoon, and shall attend school, vacations excepted, 3 hours on each and every day

“3. A system of inspection, whose function it shall be to look after the enforcement of the laws regulating the hours of labor, and the employment and schooling of children, referred to in the second recommendation, and protection against accident to life or limb, by unguarded machinery or belting, in manufacturing or mechanical establishments.

“4. The establishment of a system of half-time schools for children between 13 and 15 years of age employed in such establishments, and for other children whose avocations deprive them of the benefits of the ordinary full-time schools.”

Massachusetts is working nobly for social science. If she were an association for that special purpose, she could not do better than she has done this year in the reports of her boards of State Charities, Health, and Labor. Which of these three gives the most valuable information we will not attempt to decide; but the one which bears away the palm for humanity, the one whose report is most in sympathy with the classes of which it treats, is the Bureau of Labor, and for this the credit must be largely due to the chief of the bureau, General H. K. Oliver.

THE SOCIETY FOR THE REFORMATION OF JUVENILE DELINQUENTS, NEW YORK, describes an interesting plan of work for an improved class of boys, and as a means of encouraging good conduct among the inmates of any reformatory, we print it in full:—

1. Sufficient shop-room will be set apart, separate from the other boys, to accommodate not to exceed fifty, and the requisite number of instructors to carry on the bottoming and finishing of shoes.

2. The class of work in this shop is to be of finer quality, requiring greater skill and better workmanship than in the other shops.

3. The instructors are to be qualified to give thorough instruction in the several branches of the business, with the view of imparting to the boys skill and knowledge sufficient to enable them to become first-class workmen.

4. The requisite qualifications for a boy to enter this shop are, first, a good grade of conduct; second, advancement in the school to, at least, the third class; third, a service in the shop, of at least nine months; fourth, an aptness for, and a desire to learn the trade.

5. The conditions are, first, to serve three months in the department without extra pay; second, for the next three months each boy to receive wages from the contractor, in addition to the rate paid to the Institution, to the amount of three dollars per week; third, for the next three months an advance of two dollars per week on the previous wages.

6. Work damaged by a boy through carelessness or neglect, after the first three months, is to be paid for from his earnings, to an amount not to exceed one half of the actual damage.

7. After six months' service in this department the boys may have a separate table in the dining-room, and may draw not to exceed one quarter of their week's pay, either for the purpose of furnishing themselves additional food, clothing, books, or for other proper articles calculated to promote their comfort and improvement; or they may use it to aid needy friends, as they may elect. They may also have a reading-room set apart for their use, furnished with books, papers, and proper games, and the privilege of remaining up one hour after the other boys have retired.

8. During the last six months those boys who have reached the fourth class may have, in addition to their other studies, instruction in book-keeping, English grammar, and history.

9. For gross violations of the rules of the House, such as using profane or indecent language, fighting, malicious mischief, impudence to officers or instructors in the school or shop, or for unbecoming manners, the penalty shall be, during the first three months, for the first offense, the loss of grade; for the second, dismissal from the department. During the next six months the penalty shall be, for the first offense, the forfeiture of one half the week's pay; for the second, a dismissal from the department and a forfeiture of all earnings standing to the boy's credit.

10. On the completion of the nine months, each boy will receive an honorable discharge, a certificate of character while in the house, and the balance of earnings standing to his credit.

11. Good workmen graduating from this department will have an opportunity, if they desire it, to be employed in the shop as journeymen or instructors at regular wages."

This plan was not adopted without a previous experiment that justified it, and that may be related in the language of the Superintendent: —

"In my last report," he says, "I referred to an arrangement with the contractor in the shoe-shop to employ a few of the older boys in the cutting department, with a view of teaching them the trade, so that when they had qualified themselves they could be discharged from the House and employed in the shop as journeymen. The boys, after acquiring some degree of skill in this department, were to receive small sums weekly, in addition to the amount paid to the House, for themselves when they should be discharged, with which

to purchase an outfit of clothing, and also to afford them a few dollars to spare for one or two weeks' board, until they could get started as journeymen.

"There were at the beginning of the year four or five boys at work in the department, and others were added from time to time during the year, so that fifteen or sixteen have been thus employed. By the 1st of July four had succeeded in earning forty-five dollars each, and they had acquired a fair skill and knowledge in the business. They were accordingly discharged after having obtained their outfit, and, as agreed upon with the contractor, were taken into the shop at regular wages. Four others were discharged under similar circumstances on the 1st of September, and one more in November, making nine in all that have graduated from this department during the year. Several others are at work on the same terms, and they will in due time reach the same results. Of the nine that were discharged six of them are steady, industrious young men, coming daily to their work like other men, and giving good satisfaction. The other three have obtained work elsewhere, and, so far as I am informed, are doing well. *Not one of them has relapsed into his former course of life.* The boys selected for this department were, with two exceptions, returned boys, some of them for the third time; one of them during an interval of absence from the Refuge was an inmate of the Penitentiary. They were not of that class most readily managed, and previous to their entering upon this arrangement many of them were frequent subjects for discipline. *But during the whole time they served in this shop not a single complaint was made against one of them,* either in the school or at their work. The influence growing out of this plan was not confined to these particular boys, but it was felt by the whole division, and the result has been a more cheerful obedience and a more hopeful spirit among all the boys."

**INCOME TAX.** — One of the last measures attempted in the Forty-first Congress was to induce the House of Representatives to go into Committee of the Whole to consider the repeal of the Income Tax. The House Committee of Ways and Means had declared against the tax. So had the Senate in a bill which, as a revenue bill, the House Committee and the House itself claimed that the Senate had no right to originate. The Commissioner of Internal Revenue had also declared against the tax, in letters dated January 20 and 25, 1871, and addressed to the Chairman of the Committee of Ways and Means. He stated very positively that the tax is obnoxious, difficult of collection, expensive and unproductive; his estimate for the actual receipts for the coming year being "considerably short of \$16,739,589." To what the Commissioner said in these letters, he adds in a communication to which he allows us to refer, his opinion that the tax is unequal, and that its enforcement offers a premium to perjury, and brings other taxes into disrepute.

To all this array against the Income Tax, the Secretary of the Treasury opposed himself with a resolution all the more gallant because of its probable unpopularity. He took the ground that the revenue is not yet in a condition to bear the loss of the Income Tax. Whether \$16,000,000, or considerably less, the receipts from this source are

needed by the government, and they must be preserved, whatever the plea for dispensing with them. This is a perfectly frank and intelligible opinion, and holding it, the Secretary was bound to express it, and to do all in his power to make it respected. Nay more, his opponents were bound to do all in their power to respect it, not to the extent of submitting to it if they thought it wrong, but of treating it with the consideration to which any reasonable statement from the head of the Treasury in relation to the finances of the government, is fully and fairly entitled.

The Secretary carried the day, at least with the 41st Congress. He did so, however, not merely on the strength of the argument which he brought forward, but on that of another which he did not bring forward. The opponents of revenue reform were keen enough to scent where the proposal to repeal the Income Tax would lead, and for the sake of other taxes, they held fast to this one. With their aid, the Secretary triumphed.

The triumph, however, bids fair to be short lived. Before these incidents took place at Washington, some very significant measures had been adopted elsewhere. An organization was formed in Philadelphia, under the title of the Anti-Income Tax Association, for the purpose of legally testing the questions concerned in the tax, and an address from this body, or its individual members, to members of Congress, appears to have been one of the earliest measures adopted by the association. From this address we take the following extracts : —

“ When the immediate pressure of the war was over, and the people expected to see this tax abolished, Congress made haste to reduce it from the excessive burdensomeness of its first enactment, and to conciliate the general opposition to its unexpected continuance, a distinct provision was embodied in the law that it should remain in force until the incomes of 1869 could be ascertained ‘ and no longer.’

“ The necessity which alone justified the law having passed away, we demand that the promise given be respected, and that the law shall be permitted to expire by its own limitation. The public revenues more than suffice for the needs of the nation. We are reducing our debt at a rate unparalleled in the history of the world. That our crushing system of taxation must be lightened is acknowledged on all hands, and the only question is as to the portions to be first abolished.

“ In this unexpected contingency we are driven to protest against the reënactment of the law for many reasons : —

I. Its constitutionality is doubtful, and that which may be submitted to during the exigencies of war cannot be endured without question in time of peace.

II. It is a tax on industry, thrift, and conscientiousness. It marks for its penalties the active and useful citizen who is too honest to conceal his gains, and offers a premium on idleness, self-indulgence, and falsehood, thus discriminating against all that well-ordered States seek to encourage, and striking at the sources of public prosperity.

III. It is grossly unjust in its operation. It singles out 275,000 persons [now

much less, as will be stated presently,] who are willing to acknowledge the amount of their revenues, and imposes on them a burden from which the rest of our forty millions are relieved ; while the proposed increase of exempted income to \$2000 will reduce the number of taxables to 116,000 [now less], and thus render the injustice even yet more flagrant.

IV. Even among the few upon whom it is thus levied its distribution is similarly unjust. It makes no discrimination between sources of income, whether derived from the personal exertions of the worker or from the interest of invested funds. From the one, it exacts a percentage on his labor, which is his capital, and dies with him ; in the other case it merely trenches on the increase of accumulations which are themselves untouched. In the one case it will take the bread out of the mouth of the orphan, while in the other it may only touch the superfluity of the heir.

V. As in the vast majority of cases the returns must of necessity be left to the conscience of the tax payer, it is demoralizing in the extreme ; and when this is not the case it is inquisitorial in its character to a degree that is insufferable to men trained under free institutions.

VI. Experience has shown that its evasion is easy, and that the conscientious citizen is forced to bear not only his own burden but that of his less scrupulous neighbor.

VII. Its reenactment would destroy the faith of the people in the deliberate pledges of Congress, and would thus strike a blow at the honor and credit of the nation.

These thoughtful statements are not the only service rendered by the Philadelphia Association. Applying to two eminent lawyers, — Messrs. E. Spencer Miller and William M. Evarts — for an opinion on the income tax, they received the following, which we give in full : —

“ We have considered with great care the questions which you have submitted to us, and give you the results which we have reached. We are of opinion that a tax on the gross income of an individual is embraced by the words ‘ capitation or other direct tax ’ in the Constitution, and should be assessed and collected on the principle of apportionment and not of uniformity, and that the several sections of the Internal Revenue Act imposing such tax are therefore unconstitutional. We are further of opinion that no decision of the Supreme Court of the United States precludes this view or discourages the expectation that it will receive the sanction of the court. On the contrary there are dicta and suggestions in the only decisions bearing on the subject which tend to confirm the opinion we have expressed. But we are further of opinion that even if the tax on gross income, as such, is constitutionally laid by the act in question, it includes, as portions of such income, sums which cannot be taxed at all, as interest on State bonds ; or cannot be taxed under such an act, as rents and annual profits of real estate, wages of labor, and perhaps other special items of taxation. Whether, if these and other portions of the income of individuals are improperly included in the income tax and must be excepted, the whole income tax falls, is a question that has been raised, but is not so clear under the decisions as to make us speak with that confidence with which we do on the other points.”

The example of Philadelphia has been followed in part by New York

and Boston, where anti-income tax associations have been recently organized, chiefly for the purpose of testing the constitutionality of the tax. These movements, temperate and manly as they are, will lead, we are confident, to early results. The interest of income tax-payers, if of no others, will be fully roused, and thus a public opinion will be formed which even Congress will be slow to disregard.

Meantime the Commissioner of Internal Revenue holds his own. Nothing daunted by the disapproval of the Secretary, or the inaction of Congress, the Commissioner issued a circular ruling that no other return than that of the gross and the taxable amounts of one's income need be made, and that no return at all of an income under \$2,000 shall be required.

No tax at variance with economic laws can last even in a country where these laws are not generally understood. There are certain principles or maxims, long since incorporated into every sound financial system, to which taxation must correspond. Adam Smith's four maxims have never been superseded. They show that taxation should be 1. Equal, *i. e.*, in proportion to ability; 2. Certain; 3. Convenient in time or manner; and 4. Judicious, or "to take out and keep out of the pockets of the people as little as possible over and above what it brings into the public treasury." If anything can be added, it is a maxim that taxation should be payable without temptation to fraud.

Apply these maxims to the income tax, and it shrinks from their touch. It is not equal, for it is laid only upon one class, and that a small one. The number of persons assessed in March, 1870, was 275,248 (exclusive of those in a district from which returns were not received). But the Act of July, 1870, which raises the exemption from \$1000 to \$2000, reduces the number of those assessed to 94,323, or less than one in four hundred of the citizens of the United States. "As a government," says Mr. Mill, "ought to make no distinction of persons or classes in the strength of their claims on it, whatever sacrifices it requires from them should be made to bear as nearly as possible with the same pressure on all." A forcible pamphlet on the legality of the income tax, for which we are indebted to the public spirit and legal acumen of Philadelphia, presents some very striking facts: "The congressional districts are two hundred and thirty-three in number, and are set off so as to be as nearly as possible equal in population, yet in 1869, out of the whole two hundred and thirty-three, six paid \$8,281,431.45, or very nearly one fourth of the whole tax; and seventeen of them can be selected from the States of Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Ohio, Illinois, Missouri, and California, which paid \$17,066,277.01, or as nearly as possible one half of the tax. Descending from districts to individuals, we may mention as an illustration of the arbitrary and unjustifiable working of the law, that one citizen of New York, Mr. William B. Astor, paid more than the whole State of



Vermont; another, Mr. A. T. Stewart, paid more than was collected in any one of twenty-seven States and Territories, — more, indeed, than the aggregate amount paid by Florida, Arizona, Colorado, Dakota, Washington, New Mexico, Utah, Idaho, and Montana combined."

The income tax equally fails to meet the other maxims of a sound system. It is not certain, for it varies from year to year with every payer save the few whose annuities or salaries know no variation. As it is paid for one year's income out of another's, its uncertainty becomes a serious thing to many people. There are, moreover, various requisitions in the schedule, hard to be understood, and harder yet to be complied with, which render the tax still more uncertain to its payers. The tax is not convenient, for it is to be paid at once instead of in instalments; or judicious, for it is extraordinarily costly in collection, and gives up to the treasury but a comparatively small portion of what it takes from the class which pays it. As to its being payable without temptation to fraud, it is so exactly the opposite as to have earned a melancholy distinction among the national revenues. Even a tax-payer, otherwise honest, becomes dishonest in face of what he feels to be both inquisitorial and unjust, and so, squeezing this item, or dropping that, brings himself to swear to an income which he would never wish to be thought his by the business or the social circle around him.

We lately heard of an Englishman who made a return of his income, and wrote upon the paper, "My income has been under £150 for the past three years; it will be precarious hereafter, for the man of whom I borrowed the money is dead." It will not be long, we trust, before the tax assessed upon our incomes will, itself, be no more.

**LOCAL TAXATION.** —Not national taxation alone is out of joint. Our local systems, State and municipal, are framed on principles more or less condemned by economic authorities, and more or less discarded by the governments of older nations. American finance has fallen upon a sort of Calypso's island, where it lingers beyond the seven years of the Grecian hero, beguiled by the promise of an impossible immortality. Fortunately there are many resolved, and able to accomplish their resolve, upon its rescue.

The State of New York levied taxes to the amount of twenty million dollars in 1861, to that of fifty, in 1870. Massachusetts levied seven and a half millions in 1861, twenty-two in 1870. This nearly trebling taxation in nine years, probably surpasses all that has ever been achieved by any previous system. Taxation per capita in New York amounts to \$7.54, in Massachusetts to \$14.35, in New York City to \$29.54, in Boston to \$36.10. The New York Commissioners on the revision of taxation, from whose recent report the preceding figures have been drawn, remark, "that, with the exception possibly of Paris, the

United States as a whole,<sup>1</sup> the State of Massachusetts, and the city of Boston, take precedence over all the governments and communities in the civilized world in respect to the extent and weight of their taxation; and it may be further noted, in respect to Massachusetts and Boston, that, notwithstanding the comparative magnitude of their taxation, the annual aggregate receipts from the same have not been sufficient of late years to prevent an annual increment of both the public and municipal indebtedness."

From such burdens as these relief has been repeatedly sought. In 1862, a joint committee of the New York Legislature presented a report, accompanied by a bill and digest, on the State Assessment Laws. Pennsylvania and New Jersey in 1867, Connecticut in 1868, and Illinois in 1870, have all taken measures with a view to improve their modes of taxation. New York has again moved during the past year in the appointment of three Commissioners, Messrs. David A. Wells, Edwin Dodge, and George W. Cuyler, "to revise the laws for the assessment and collection of taxes," and it is to their report, dated February, 1871, that we desire to call attention, as a document containing important facts and still more important suggestions. Without accepting all its conclusions, indeed without the knowledge requisite to their acceptance or their rejection, one may derive from its comprehensive statements a clearer idea than he ever had of our financial position.

Local taxation has been drawn from two sources, real and personal property. It is wisely drawn from the first, because real property is not generally employed in production, and also because an assessment upon it is not open to evasion. It is unwisely drawn, if direct, from the second, because personal property is generally employed in production, and also because an assessment upon it is open to evasion. We say "if direct," for if indirect, it may be and is derived from personal property to as much advantage as from real; but in ninety-nine cases out of a hundred, taxation upon personal property has been direct, and as such, found to be unwise. Upon this point, the report before us is emphatic: —

"All the leading civilized and commercial nations on the face of the globe (and the commission think they are warranted in making the assertion broader, and in saying every nation, civilized or uncivilized), with the single exception of the United States, have abandoned all attempts to levy a direct tax on personal property in the possession of individuals, as something entirely beyond the reach of any power of constitutional law, or indeed of any power save that possibly of an absolute despotism, to effect, with any degree of perfectness or equality; while the opinion of the civilized world generally is further agreed that all attempts to practically enforce laws of this character are alike prejudicial

<sup>1</sup> Of which the taxation per capita is estimated by the same Commissioners at \$21.83, \$19.26, and \$16.09, the last probably the minimum.

to the morals and material development of a State. And the commission would add that in this latter respect the experience of the United States constitutes no exception."

The New York Commissioners, after considering the objections to the present system of local taxation, go on to suggest a better one, of which we give an outline in their own language, though abridged:—

*First.* To tax all corporations created by the State which are in the nature of a monopoly. Of such corporations the gas company is the type. It has practically no competitor in the town, city, or district in which it is located; and the amount of capital involved, the pre-occupation of the streets and the certainty of disastrous competition, oppose the establishment of rival companies. Under such circumstances, whatever taxation is imposed on such companies is transferred to the consumer, increasing thereby, to some extent, the cost of living and of production, but in a more limited degree and with less of burden than almost any other taxes that can be mentioned, except those upon pure luxuries. Other corporations which approximate in character to the gas company, would be the national banks (which may be taxed under the present provision of the United States law through their stockholders), the State banks, railroad corporations, — steam and horse, — omnibuses, ferries, and bridges. Manufacturing firms and corporations, on the other hand, not being local State monopolies in any sense, save in the exceptional case of the manufacture of certain patented articles, would not be included under this section for taxation. Private bankers, doing business in competition with national and State banks, should be taxed in the same manner, which may be done without evasion by means of a tax in the nature of a license. The surplus of savings banks is also a legitimate subject for State taxation. Fire, marine, and life insurance companies and trust companies can, in the opinion of the Commissioners, be taxed moderately and without detriment by a tax on their franchise proportioned to their capital and business.

*Second.* To tax land exclusive of buildings at a uniform valuation of fifty per centum of its true marketable or fair value.

*Third.* One of the two following plans for equitably taxing personal property, or for obtaining a more than substantial equivalent for the taxation now imposed on such property:—

1. To tax the land separately on fifty per cent. of its fair marketable valuation, and tax the building apart from the land, as representing the owner's personal property, on a *full* valuation, as indicated by the rent actually paid for it or its estimated rental value.

2. To tax buildings conjointly with land as real estate at a uniform valuation; and then as the equivalent for all taxation on personal property, tax the occupier, be he owner or tenant of any building or portion of any building used as a dwelling, or for any other purpose, on a valu-

ation of three times<sup>1</sup> the rental or rental value of the premises occupied. Tenement houses occupied by more than one family, or tenement houses having a rental value not in excess of a fixed sum, to be taxed to the owner as occupier.

It is seen at once that this is indirect taxation of personal property, and therefore sound, according to the principle previously laid down. To an objection that it is in fact only another tax upon real estate, Mr. Wells, Chairman of the Commission, makes reply in a separate statement, "that the personal tax is not in any sense a tax upon real estate, any more than it would be if, instead of rent or rental value, the buttons on the occupier's coat or the books in his library were taken as the standard of measurement. Or, to make the case clearer, suppose the occupier to be an individual who has no stocks or personal property investment whatever, but a large income derived from professional practice, and who rents the house or apartments he occupies. Such an individual probably now escapes direct taxation altogether; and yet, if ability to pay, as laid down by Adam Smith, is to be made the test and measure of taxation, the State has an equitable and just claim upon him; and in assessing him for personal property on a basis of three times his rental, he to a certain extent discharges such claim, and the payment of it in no ways falls upon the owner of the real estate he occupies; and the Commissioners claim that it constitutes one of the chief merits of the system they have proposed, that its provisions will so effectually and equitably bring into the range of assessment so large an amount of personal property now wholly evading taxation, that the rate on real estate, at present ranging in the cities of this State from 2.27 to 6.70 per cent., will never hereafter necessarily exceed two per cent., as a maximum."

All this, with more to be found in the Report, is commended to the thoughtful consideration of a much-taxed and much-enduring people. The time must come for turning from the politicians who have piled burden upon burden to the economists who will take them down; and as they disappear, leaving us lighter, while they leave the treasury as full as need be, we shall either wonder at the good nature or repent of the ignorance that bore with them so long.

**UNITED STATES LAND GRANTS.**—The facts concerning these grants appear to be that since the establishment of the Land Bureau in 1812, between four and five hundred millions of acres have passed out of the national possession, and that of this amount, one half, or over two hundred

<sup>1</sup> The sum of *three times* the rent or rental value is taken as the basis of the valuation of personal property, in the second proposition, on the assumption that this is the minimum rate that exists between the rent paid or rental value of the building occupied and the other available means or income of the tenant or owner. The assumption is, however, to some extent arbitrary, and can be increased or diminished as circumstances or the necessities of the State may seem to warrant.

millions have been given away, some to individuals, more to States, but most of all to railroad corporations. One corporation alone, the Northern Pacific, has obtained upwards of fifty millions, a "superb estate," as an official pamphlet terms it, "larger by 10,000 square miles than the six New England States, or as large as Ohio and Indiana combined."

To what end have these grants been made? There are two answers, — one to be given openly, the other with a judicious reserve. The former says, it is to open roads, to extend settlements, to increase cultivation and civilization. The latter says, it is to give this or that corporation a backbone, to transform it from a flabby speculation into a firm and vigorous investment, by bestowing lands, upon which a greater or less amount of bonds may be issued, to the immediate advantage of the sellers, if not to the ultimate profit of the buyers or the completion of the road and its appurtenances. The more land to be got, the more bonds are to be sold, and the greater the profits of those who sell them. In course of time, the lands themselves are sold, and generally to the satisfaction of bondholders, as well as stockholders. The Illinois Central Railroad disposed of less than four fifths of its grant for upwards of \$20,000,000. The Northern Pacific puts the question as to the worth of its "landed empire," and replies with solid contentment, "If nursed and sold on judicious credits, as were the lands of the Illinois Central, the proceeds would be, on the basis of that road's sales, \$550,000,000." Not a bad security for bonds, however large their issue.

The cry is, still they come. The number of acres asked by railroad corporations from the last session of the forty-first Congress, is stated to have been 189,000,000. The Oregon Branch Pacific obtained 476,000; the Texas Pacific 8,000,000, and the Northern Pacific 11,000,000. Nineteen and a half millions of acres to three roads in one session, and that the short one, of Congress. Over one hundred companies, each represented by from two to ten agents, are said to be waiting their chance to get at the forty-second Congress. One understands why a new term has been formed to describe them as land-grabbers. There seems to be need of another term for those who let them grab. Shall it be land-wasters?

It is not waste of land alone. It is waste of resource, vigor, and life. Our public domain is our safeguard against overstocked industries and overworn faculties. It opens a career to thousands upon thousands who would have none without it, who would begin and end their manhood in dependence, but for this opportunity of gaining a home and a calling of their own. It provides for the native born; and still more generously for the immigrant, to whom it is probably the greatest attraction to our shores, as it is certainly the greatest novelty when he gets here. To transfer a domain of such sovereign importance, not

only to this but to many a succeeding generation, from the control of the nation to the control of corporations; to make its distribution dependent upon private instead of public interests, the game of speculators rather than the policy of government, capricious, unreasonable, and perhaps ultimately oppressive; this is to squander, not merely the patrimony, but the very heart's blood of the Republic.

Nor is this the sum of the charges to be brought against Congress, if it perseveres in its course. The land grants are a case, or rather a long series of cases, more painfully illustrative than almost any other, of that intricate machinery which has been framed by political inventors, and by which our responsible rulers play into the hands of those who are irresponsible, setting up an *imperium in imperio*, a lobby within a legislature, and a nebula of corporations within the constitutional authorities of the Union. The repetition of land grants, such as have been made in recent years, will do more than anything else to convict those who make them of corruption and incompetency.

ACT TO ENFORCE THE PROVISIONS OF THE XIVTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, AND FOR OTHER PURPOSES. — The last three words of the title should have been rather the first three; inasmuch as the Act appears to be for other purposes than to enforce the Fourteenth Amendment. This Amendment is as follows: "No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." But the Act to enforce the Amendment is to the effect that "if two or more persons within any State," or "in all cases where insurrection, domestic violence, unlawful combinations or conspiracies in any State shall obstruct or hinder the execution of the laws thereof;" in other words, that if individuals shall do what is forbidden by the Amendment to a State, then the State shall be treated as if it had done the wrong. This is certainly not to enforce the Amendment, nor can it be made to do so, by simple assertion that if the State does not put down the insurrection, domestic violence, and so forth, it is the perpetrator of them. Congress does not put down lobbying; is it therefore the lobby?

To enforce the Constitution at large, cannot have been among the other purposes of the Act. The Constitution (Article I. Section 9, 2), declares, "The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." But the Act says, "whenever in any State, or part of a State, the unlawful combinations named in the preceding section of this act shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the

constituted authorities of such State, and of the United States within such State, or when the constituted authorities are in complicity with, or shall connive at, the unlawful purposes of such powerful and armed combinations: . . . it shall be lawful for the President of the United States, when in his judgment the public safety shall require it, to suspend the privilege of the writ of habeas corpus." Again, the Constitution provides (Article IV. Section 4, 1,) that the United States shall protect each State "on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence." But the Act has nothing to say of an application from the State or from any authority of the State; nor does it so much as hint that such an application is to be received, before the United States shall proceed to exercise protective power. On the contrary, the whole tenor of the Act is to make the United States entirely independent of application from the State, whether to give or to refrain from giving protection.

This is a measure, advocated and opposed chiefly on party grounds, and finally adopted by a party vote. We have nothing to do with it in its party bearings. But its other aspects are such as should be clearly examined and calmly judged. Its attitude towards the Constitution appears to us unfortunate; threatening the letter, as the passages above cited suffice to show; and threatening yet more the spirit of that instrument, transcending the bounds there set to the national authority, invading the liberties of the States, and thus opening the way to another system than that under which we have prospered for fourscore years. By transferring to the general government a responsibility not belonging to it, and making it answerable for acts of violence committed by individuals, the Act necessarily transfers to it a power not its own, but one inherent in the States, and wielded by them with far greater effectiveness than by the general government.

So much for the constitutional aspect of the Act. Its administrative aspect does not strike us more favorably. The object is to allay the disturbances in some of the Southern States, to prevent the violent and even fatal results of combination among the more reckless classes, and to protect the persons and property of peaceable citizens, particularly those formerly in slavery. Now, considering the state of society in this portion of the country, the breaking up of old relations and old authorities, the confusion and the helplessness following upon war, and the processes of reconstruction, it would seem, in the first place, as if outrage and crime were sure to issue from such a condition of things, and in the second place, as if the better, indeed the only way of suppressing them were in changing the condition. This, it would also seem, could be effected only by holding the States to their proper functions as protectors of law and order, and by renewing, not by repressing, the great principle of self-government, the safeguard of peace and of prosperity.

The President's proclamation of his determination to execute the Act,

expresses reluctance "to call into exercise any of the extraordinary powers thereby conferred, except in cases of imperative necessity," and exhorts "the people of those parts of the country to suppress all such combinations by their voluntary efforts, through the agency of local laws." He adds, in language commanding universal assent, "It is my earnest wish that peace and cheerful obedience to the law may prevail throughout the land, and that all traces of our late unhappy civil strife may be speedily removed. These ends can be easily reached by acquiescence in the results of the conflict now written in our Constitution, and by the due and proper enforcement of equal, just, and impartial laws in every part of our country." This seems to us very different ground from that taken in the Act, which lays no stress upon local efforts or local laws. On the contrary, the Act provides at once a system of centralization, and its advocates enlarge upon the blessings that are to follow its introduction. We hear of the blessings of centralization with the same emotions with which we used to hear of the blessings of slavery.

Once more, we take exception to the ethical bearings of the Act. The nation is under no legal obligation to be forbearing toward the Southern communities; but it is under moral obligation. The close of their rebellion placed them at its mercy, and so completely, that its duty became that of a parent toward an erring and overmastered child. Everything that it could do to bring back a real as well as apparent submissiveness, everything that tended to promote kindness and reconciliation, it was, and it is still bound to do. But instead of promoting gentle relations or gentle feelings, this Act tends to the very opposite result. It keeps up the animosity of every member of the unlawful combinations against which it is directed; and what is sadder still, it inflames those who never joined or even approved the combinations, rekindles their passions against the national authority, and replaces them in their false position as severed from the national interest. The Act to enforce the Amendment thus becomes an Act to prolong the divisions which the Amendment was intended to terminate.

**CIVIL SERVICE COMMISSION.**— On the very day of going to press, we receive the good news that the President of the United States has appointed a commission to carry into effect the clause in the Appropriation Bill, printed in our last number, by which he is authorized to prescribe rules and regulations for admission to the Civil Service, and to employ suitable persons for that purpose. The Commission, consisting of Messrs. George W. Curtis of New York, Joseph Medill of Chicago, Alexander G. Cattell of New Jersey, Lamson A. Walker of Pennsylvania, E. B. Elliott of the Treasury, and Joseph H. Blackfair of the Post-office, are summoned to meet at the Department of the Interior on the





**MORTGAGE INSURANCE COMPANIES.** — A system of insurance as yet entirely unknown in this country, is successful in Germany. It is that of the "Mortgage," or "Loan Insurance Companies," formed for the purpose of stimulating and facilitating the movement of capital from points of accumulation to parts where the demand exceeds the supply. These companies — 1. Receive money for investment in mortgages on real estate, either in their own name, as agents or trustees, or in that of the lenders. 2. Insure, *i. e.* absolutely guarantee the repayment of the principal of such mortgages, together with the regular payment of the interest thereon. 3. Insure, *i. e.*, absolutely guarantee the repayment of the principal of any other satisfactory mortgages, together with the regular payment of the interest thereon.

The companies are also authorized — 4. To purchase and sell insured mortgages and to borrow and loan money upon them. 5. To collect the principal and interest of insured and uninsured mortgages. 6. To purchase and sell property encumbered with insured mortgages upon foreclosure. 7. To assume the liquidation of the principal of insured mortgages for mortgageors.

For moneys invested for other parties in the name of the companies, bonds are issued to the lenders with interest coupons attached. In all investments in mortgages, the fact of their being made through the agency of the companies, carries the right to insurance of principal and interest with it. Other mortgages are not insured, unless upon due investigation the instruments are found to be properly drawn, the title of the mortgageors perfect, and the consideration of the mortgage not exceeding a fixed percentage of the value of the encumbered property. Insurance is extended alike to mortgagees and mortgageors, the object as regards the latter being protection from loss in case of sales under foreclosure.

The liquidation of the principal of insured mortgages on maturity is assumed upon the annual payment of a fixed amount in addition to the regular yearly premium. Insurance is granted by the companies upon payment of a premium calculated upon the basis of carefully collected mortgage-statistics, the premium being low enough to offer a strong inducement to lenders to insure their investments. Insurance to mortgagees involves the liability of the companies, in case of default in the payment of either interest or principal, for the immediate payment of the interest and for the payment of the principal, with interest, within sixty to ninety days after maturity. Mortgageors by virtue of the policies, can call upon the companies for the discharge of the principal of their indebtedness. In both cases the companies become the legal successors of the holders of the mortgages.

The profits of the companies are derived from, — 1. Fees charged alike on successful and unsuccessful applications for insurance. These are credited to successful applicants on their annual premiums. 2. Policy

## GENERAL INTELLIGENCE — FOREIGN.

3. The difference between interest allowed and received. 4. Insurance premiums. 5. Commissions charged to borrowers on investments by the companies as trustees or agents. 6. Purchases of insured mortgages and of property encumbered with such.

The premiums charged by the "Mortgage Insurance Company," of Berlin, are:—

For the insurance of the principal to mortgagees and mortgageors:		Per 1,000 Thalers.
When the amount of the mortgage is not more than $\frac{1}{2}$ of the value of the property mortgaged . . . . .	$\frac{1}{2}$ Thaler.	
When it is $\frac{1}{3}$ . . . . .	$\frac{1}{3}$	"
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" $\frac{1}{100}$ . . . . .	$\frac{1}{100}$	"

7. For the insurance of the regular payment of interest:  $3\frac{1}{2}$  per cent. of the annual interest.

For the liquidation of the principal of mortgages, the premiums, calculated on the basis of compound interest, vary according to the number of years in which the liquidation is to be effected.

The German companies are all organized on a joint-stock basis. The Berlin company was founded in 1862, with a nominal capital of 1,000,000 thalers in shares of one hundred, of which twenty-five per cent. equal to \$1,250,000, was paid in cash, and the remainder in promissory notes. Besides paying good dividends every year, (ten per cent. in 1870,) the company has accumulated a large reserve fund. The range of its risks has not exceeded fifty per cent. of the value of the property covered with insured mortgages.

**GERMAN FEDERAL LAW OF THE GERMAN EMPIRE.**—The leading position which Germany has recently attained among European states, gives great interest to the political development of that country. The basis of German public life is the law governing the elections to the imperial assembly, of which a synopsis is subjoined. It was first adopted in 1867 by the North German federation and extended by virtue of the treaty concluded last winter between the North and South German states to all the sovereignties forming the newly constituted empire.

Under the electoral law, all Germans who have completed their twenty-first year are entitled to vote at parliamentary elections. For the members of the standing army and navy the right of suffrage is suspended during the term of their enlistment. The right is denied to persons: 1. Persons under tutelage. 2. Bankrupts, during the continuance of proceedings in bankruptcy. 3. Paupers receiving

ing public aid or having received it during the year preceding the election. 4. Persons under sentence of court for criminal offences. In case the offences are of a political nature, the right of suffrage becomes restored upon the expiration of the sentence or by amnesty.

The several states of the empire are divided into election districts, and the districts into precincts. The law requires that the several districts and precincts shall be well rounded off territorially, and that due regard be had in their formation to the convenience of voters. Only *bona fide* residents are entitled to vote in particular localities. Voting by proxy is prohibited. In each district and precinct full lists of all legal voters must be prepared and submitted to public inspection, and for at least four weeks preceding the election. Corrections of the lists must be made within a week after the commencement of the public exhibition. Only voters appearing on the lists are permitted to vote. Voting is secret and by ballot. The ballots must be of white paper and not recognizable by any marks. The names of the candidates may be either written or printed upon them, but not within the place of voting. The ballots are received and counted in public. They are deposited by the voters themselves in boxes placed before the election officers.

The election officers consist of a president, appointed by the civil authorities, a clerk, and from three to six "assessors," chosen by the president from among the electors of the district. They make oath to conscientiously fulfill their duties. They are forbidden to receive any compensation for their services. The election officers are empowered to decide, by a majority vote, regarding the reception or rejection of ballots subject to the ulterior decision of parliament. Ballots must be rejected, — 1. When they are not of white paper or having any particular mark. 2. When they do not contain any, or an illegible name. 3. When they leave the person voted for in doubt. 4. When they contain more than one name, or the name of an ineligible person. 5. When they contain any protest or reservation.

The absolute majority of all the votes cast in the district elects. When no candidate has received an absolute majority, a new election is ordered by the election officers, to take place within a fortnight, at which only the two candidates who have received the highest vote at first canvass can be voted for. When two candidates have received an equal number of votes, the election is decided by lot drawn by the chief election officer. Elections must be held throughout the empire on one and the same day.

Eligibility is not limited by the requirement of residence in the several districts. But only a legal voter who has resided in some one of the states of the empire for one year preceding election is eligible to parliament.

Representation in parliament is based on population, every one hundred thousand inhabitants being entitled to one representative. For any

excess of over fifty thousand inhabitants in any of the states, an additional representative is allowed. Every state, whether of one hundred thousand or less, is to have a representative. •

DANISH COURTS OF ARBITRATION. — We desire to give a brief account of these tribunals, not as new institutions, for they have long been in successful operation; but as judicial organizations by means of which, if wisely introduced into our own system, some great improvements in it may be anticipated.

The idea of arbitration, otherwise called conciliation, as a principle of justice, comes from Christianity itself, which bids one "Agree with thy adversary quickly while thou art in the way with him." To follow this precept and to give it its proper place in our judicial system, is a point to which we have a right to call public attention.

Although the field of social science is exceedingly broad, and the subjects embraced in it are necessarily numerous, it has few which are more intimately associated with the domestic peace and well being of communities, than that of jurisprudence. Nor are the laws of a country hardly less important in the economy of the state, than the manner in which they are administered. A nation's laws, as a general thing, grow up out of their social condition, and conform to the genius and prevailing sentiments which characterize them as a people. So that while a nation is represented in its law, there are few systems which are not better, in theory, than they are found to be in their application to particular cases. The defect in this respect, grows out of the infirmity of purpose or capacity of those who administer the laws, or the selfishness and cupidity with which they pervert them to base and unworthy ends. It is not the laws of Turkey, of which the subjects of the Sultan should complain, so much as the misapplication of them to purposes of injustice, by venal ministers for bribes and corrupt gains. And with all the complaints that have been raised against the administration of justice in a neighboring city, it should be remembered that the law of New York comes directly down from that which was illustrated by Chief Justice Hale, and is the same common law under which the citizen of Massachusetts feels secure through an honest and independent judiciary.

Reaching as it does, every rank, condition, and business of a people, the administration of justice can never cease to be a subject of general interest in any community, or to affect the social condition of all individuals. It presents certain objects to be attained, and calls for a solution of the inquiry, how these can best be secured. As one of the great ends of justice must be to secure individual right, to restore it when lost, and to restrain wrong, the first inquiry naturally should be, how this can be most surely and satisfactorily done? The next would be, how it may be most promptly reached, and the next, perhaps, how

it may be done most cheaply? In the first two, there would probably be no difference of opinion among men who give the subject a moment's thought.

Of cheap litigation, there obviously may be two, and these opposing, views. Under one of them, few things are more to be deprecated. The bitterest strifes and the most relentless personal quarrels, are those engendered between contending parties to a protracted lawsuit. Passion takes the place of reason, and the question or the magnitude in amount involved in the controversy is lost sight of in a desire to "beat." There are always men who are weak enough to suffer themselves to be led on by their own passions, especially if instigated and encouraged by others, to ask the law, at whatever cost, to avenge them of an adversary for real or fancied wrongs, and who, if they could be kept in restraint till their anger had time to cool, or opportunity had been offered for explanation, might have been spared the folly of a lawsuit, and the incurring of expenses which they can ill afford to bear. And it is doubtless true, that many as are those unfortunate conflicts between neighbors who ought to live in harmony with each other, they would be greatly multiplied if it were not for the expense of carrying them on. What is saved thereby, is not so much the money, as the bad passions which a lawsuit always stirs up, and the strife and bitterness which are often engendered thereby in a neighborhood, so that cheap litigation as a general proposition, would be anything but a blessing to a community. And yet controversies will arise, disputes will grow up among the best of citizens, and in the best regulated communities. Some of them rest upon points of difference involving principles and views of what is right and duty, which are honest and often unselfish, and which can only be reconciled or settled by the interposition of others. One of the purposes of courts of justice is, to supply this medium of interposition, and to settle these questions authoritatively. Nor has any one a right to expect that society will soon get so far in advance of its present condition, as to be able to dispense with courts of justice or the ministers of the law. And the great difficulty which the wisest judges, while acting as indifferent arbiters between litigant parties, often find in determining which of these is right in his positions, shows that these parties are often seeking thereby to establish what they may and do honestly believe to be equity.

Whatever provision government is bound to make for settling disputes once brought before its courts, it ought also to provide such measures of prevention as may be practicable against their being brought at all. Such means have been tried by clothing magistrates with broad discretionary power in order to effect an immediate settlement of cases before them, or by establishing courts of conciliation or arbitration by which controversies between different classes or different individuals may be adjusted at the outset, thus saving the

disputants themselves and the entire community from much of the heat and confusion engendered by suits at law. For such differences as involve no fault on either side, and admit a settlement without appeal to litigation, it is really the business of government to furnish easy opportunities of settling them, on just the same grounds that it furnishes modes of transportation by public highways, or any other facilities demanded by its citizens. The law in Pennsylvania has long been administered with a view to preventing needless litigation. The same object has been pursued to a great degree by the county courts of England. Were we to speak of private tribunals proposing the same end, we should dwell at length upon the boards of arbitration described in another article, by which the sting has been taken out of many angry relations between labor and capital in Great Britain and elsewhere. But we are treating now of public tribunals, by which the dockets of our higher courts may be relieved of great numbers of suits, now consuming much of their time, and rendering the duties of jurors unnecessarily wearisome and protracted.

The late Henry Wheaton, formerly United States Minister to Denmark, was the first to bring the Danish courts of arbitration to our notice. In an article in the "North American Review" for the year 1828, he speaks of them as having been established by the then reigning king. Their title in Danish is "Forligelses Commission." Mr. Wheaton also speaks of the "Hoieste Rett," the highest tribunal of the country, wherein justice is said to be administered with great purity and independence. This was instituted in 1660, and consists of fifteen judges who hold office during good behavior. It is the court of last resort, and between that and the court of which we now propose to speak, there are inferior tribunals, which it is unnecessary to describe. We have referred to these, that the reader may understand somewhat of the system now prevailing there, and perceive that it is not wholly unlike our own, and that there is nothing in the way of incorporating the courts of conciliation into the system of Massachusetts or any other State.

The subject was brought before Parliament, in England, in 1830, by Henry Brougham, while advocating the establishment of local courts. "It has been found in some countries," says he, "not, I confess, in all, that the best possible results have accrued from such a system. Where the reference has been compulsory the experiment has entirely failed." He speaks of its having failed in France, and its having been discontinued in the Netherlands. "I understand," he adds, "that in Sweden the measure has been attended with better success. But in Denmark it has succeeded best of all, and if I am not misinformed, in that country the going before a judge of conciliation is entirely optional. I know that in Switzerland, at least in two parts of it — I mean Geneva and Pays du Vaud, — the experiment was tried and

was attended with success. The Code Napoleon failed, as there was in it compulsory reconciliation." Something like the same scheme was suggested in the constitution of the proposed local courts, but was sharply criticised in one or more of the reviews of the time. A writer in the London "Law Magazine" of 1831 comments upon these courts at considerable length, and though he does not advocate the measure, he gives two of the papers made use of by Mr. Brougham in his speech, from which we make an extract, describing the mode in which the business of the Danish courts is conducted: "The jurisdiction of the commissioners extends to most subjects of civil suits. Of course they can only reconcile, they cannot adjudicate rights. They explain to the parties the real matter of litigation between them, point out the laws by which it must be decided and the probable result of an action, and propose an arrangement conformable with law and equity, which the parties may adopt or reject as they think proper. Should their proposal be adopted, it is put into writing, and signed by the parties and the commissioners, and has the effect of a judgment in the Supreme Court. Process may be issued to enforce it, and there is no liberty of appeal. Should the proposal of the commissioners be rejected, an order is made permitting the parties to have recourse to the ordinary tribunals; proceedings in the latter are null, unless the affair has been previously submitted to the reconciliation commissioners. A few years after it came into operation the suits in Copenhagen had decreased two thirds. Out of about two thousand matters that yearly came before the commissioners in that city, they succeeded in arranging not less than one thousand nine hundred."

The principal facts in respect to these courts are to be gathered from a volume of "Travels," by Samuel Laing, published in 1852, many years later than the article of Mr. Wheaton. We cannot do the reader a greater favor than by transcribing Mr. Laing's account from his volume: "The administration of law has received another great improvement in this century, by the establishment of local courts of arbitration or of mutual agreement. An arbitrator, chosen by the people of the parish or district for three years, not a lawyer or law agent, confirmed by the government and paid by a small fee on each case, hears and enters in his protocol the *viva voce* statements of each party, without the intervention of any legal advisers. This is the lowest court, or court of the first instance, and no case can go past it to a higher court, without being entered here; and no facts can be adduced in the higher courts, which do not stand in the protocol of the court of arbitration. The duty of the arbitrator is to reconcile the parties, to propose an equitable adjustment of their differences; and if he succeeds, his decision is carried to the higher district court, to be ratified and revised as to points of law, or to interests of third parties, if any are involved in it, and is final without other expense or employment of law



agents of any kind. If the parties, from the nature or importance of the case, concur in bringing it before a higher court, it passes through this lower court as a matter of course, to the courts in which law agents and advocates are heard for the parties; but no new facts or statements are admitted but those which are entered in the protocol of the court of arbitration. If one of the parties chooses to appeal from, and the other acquiesces in, the decision of the arbitrator, the appealing party pays the expenses of both in the higher courts. The expenses of law agents and fees of counsel are determined in each case by the judges who decide it. A certain time is allowed to each court, from the lowest to the highest, within which the decision on a case must be given, merely at the request of the litigants, or by special permission of the superior court, a longer period is allowed for the judge to consider the case. The usual period is six weeks. The amount of cases finally decided by the courts of arbitration is very great, and the appeals are almost confined to cases of the highest importance, and in which the interpretation of the law may be doubtful or obscure. This great improvement in the administration of law has reduced the number of attorneys and law agents, who lived by exciting the peasantry, and working people to take the law of each other, without reducing the number necessary for the business of the country, or impeding the access of the people to justice. It has, gradually, spread to Sweden and some parts of Germany, and is, unquestionably, the most important improvement of modern times in the social condition of Europe." The writer goes on to speak of the higher courts, and of the superintendence they exercise over the inferior courts by a weekly or monthly revision of their proceedings, thereby checking "the vexatious delays, mistakes, and erroneous judgments occasioned by the quirks of the lawyers, or wrong views of the courts," and "without the expense to the parties of an appeal." And thereby, he assures us, "law is thus administered to the people with the greatest economy and dispatch."

As our chief object in making this extended extract was to bring the subject of these courts of arbitration before the public, in their relation to social science, it may hardly be consistent to prolong our remarks. That these courts are most admirable in theory needs no labored argument. Nor is it easy to see why some such system might not be advantageously wrought into our own. Instead, however, of delegating so important a function as that of arbitration to a man of little learning and untrained skill, it would be better to copy from the English system of county courts, and select for such functionaries men of character, position, and experience, whose fairness is above suspicion, and whose trained habits of investigating complicated questions will give authority to their judgments. And as to its effect upon the members of the legal profession, it would be chiefly felt upon that class whom the public could spare, who make law a trade rather than a

science, while that class of lawyers which the public cannot do without would find themselves, on the contrary, benefited by the change. If by some such scheme our courts would be relieved of the clog of business which delays justice and operates so hardly upon parties rightly in court, it would be a public blessing, in addition to the relief it would bring to individuals by substituting a condition of peace and harmony for the strife and passions of needless litigation.

INTERNATIONAL ARBITRATION UNDER THE TREATY OF WASHINGTON. — We are thankful to close this number of our Journal with the notice of a subject, neither home nor foreign exclusively, but both, and one that in all its bearings, actual, probable, and possible, marks a greater advance in Social Science than any other event since the origin of our Association.

The treaty of Washington, recently concluded by the Joint High Commission of Great Britain and the United States, provides, as is well known; two boards or commissions of arbitration. The first of these, consisting of five arbitrators, one appointed by the Queen, one by the President, and three respectively by the King of Italy, the President of Switzerland, and the Emperor of Brazil, is to meet at Geneva, and there proceed to examine and determine the questions brought before it by the governments of Great Britain and the United States. The second commission consisting of three members, one appointed by the Queen, one by the President, and a third conjointly, is to sit at Washington, and there decide upon claims by corporations, companies, or individuals, whether of British subjects against the United States, or of United States citizens against Great Britain, arising from acts committed between April 13, 1861, and April 9, 1865.

For the direction of the first commission, acting as a court, or rather jury, between the governments of Great Britain and the United States, the treaty lays down three rules concerning the obligations of a neutral State; that it must — 1. Use due diligence to prevent the equipping within, or the departure from its jurisdiction, of any vessel intended to carry on war against a power with which it is at peace; 2. Forbid either belligerent to use its ports or waters as a base of naval operations, or for the purpose of renewing its supplies; and 3. Prevent any violating of the foregoing obligations. It is expressly declared that the government of Great Britain cannot consent to these rules as possessing the force of international law at the period, that is, during the recent rebellion in the United States, when the claims in question arose; yet that the government consents to be judged as if it had recognized the rules, and undertaken to act upon them. Both governments, British and American, agree to observe the rules between themselves in future, and to invite the agreement of other maritime powers.

Concerning the same commission, the treaty provides that it may

award a sum in gross for all claims against Great Britain ; or in case no such award is made, that a board of assessors, one appointed by the Queen, one by the President, and one by the Italian envoy to the United States, to meet at Washington, with power to adjourn to New York or Boston, shall ascertain what claims are valid, and what amounts shall be paid by Great Britain.

Such are the provisions by which the treaty of Washington establishes, directly between two States, but indirectly, by its inevitable tendencies, among all other States of civilization, the principle of international arbitration. Heretofore fragmentary in character, and spasmodic in application, the principle now becomes complete in both, and takes a place more stately, more solemn, more certain to be universal among the best and loftiest of human institutions. The official statement from the Joint High Commission, at the close of their negotiation, declares in moderate language, that "the method of adjustment is such as will set a noble example to other governments in the interest of the peace of the world by the constitution of a high international tribunal involving the direct participation of so many great sovereign powers."



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